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1973 - 74

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Ontario

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Twenty-Second and Twenty-Third Years
of the Reign of Her Majesty
QUEEN ELIZABETH II

Being the Third Session of the Twenty-Ninth
Legislature of Ontario

CONVENED ON THE 20TH DAY OF MARCH, 1973 AND
PROROGUED ON THE 5TH DAY OF MARCH, 1974

HIS HONOUR W. ROSS MACDONALD
LIEUTENANT GOVERNOR

TORONTO
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1973

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PART I
PUBLIC ACTS

Chapters 1 to 177



22-23 ELIZABETH II

CHAPTER 1

**An Act respecting Labour Disputes between
Armor Elevator Canada Limited, Dover Cor-
poration (Canada) Limited, Montgomery
Elevator Co. Limited, Otis Elevator Company
Limited, and Westinghouse Canada Limited,
Employers, and the International Union of
Elevator Constructors, Locals 50, 90 and 96**

*Assented to March 22nd, 1973
Session Prorogued March 5th, 1974*

WHEREAS Armor Elevator Canada Limited, Dover Corporation (Canada) Limited, Montgomery Elevator Co. Limited, Otis Elevator Company Limited and Westinghouse Canada Limited, employers, and the International Union of Elevator Constructors, Locals 50, 90 and 96, have been parties to collective agreements, the latest of which has expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas strikes by the unions against the employers have continued since about the 7th day of September, 1972, and they now threaten the public safety and welfare in the Province of Ontario; and whereas intensive conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1970,
c. 232

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “board” means the board of arbitration established under this Act;
- (b) “employers” means Armor Elevator Canada Limited, Dover Corporation (Canada) Limited, Montgomery

Elevator Co. Limited, Otis Elevator Company Limited and Westinghouse Canada Limited, or any one of them;

(c) “Minister” means the Minister of Labour;

(d) “parties” means the employers and the unions;

(e) “unions” means the International Union of Elevator Constructors Locals numbers 50, 90 and 96, or any one of them.

Idem

R.S.O. 1970,
c. 232

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application
of Act

2.—(1) This Act applies to the parties and to the employees of the employers in the bargaining units defined in the collective agreements between the parties which were effective until and including the 30th day of April, 1972.

Application
of
R.S.O. 1970,
c. 232

(2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees of the employers in the bargaining units defined in the collective agreements mentioned in subsection 1.

Appointment
of board of
arbitration

3.—(1) Within seven days after the day on which this Act comes into force, the employers collectively shall appoint to a board of arbitration a member who has indicated his willingness to act.

Idem

(2) Within seven days after the day on which this Act comes into force, the unions collectively shall appoint to a board of arbitration a member who has indicated his willingness to act.

Extension
of seven
day period

(3) The parties may by agreement in writing extend the period mentioned in subsection 1 or 2 for one further period of seven days.

Failure of
party to
appoint
member

(4) Where the employers or the unions fail to appoint a member of the board of arbitration within the period mentioned in subsection 1 or 2, the Minister shall appoint such member.

(5) As soon as the employers or the unions appoint a member to the board of arbitration, they shall notify the other of them and the Minister of the name and address of the member appointed. Notice of appointment

(6) Within ten days after the day on which the second of the members is appointed, the Minister shall appoint a third member, and such third member shall be the chairman. Minister to appoint third member

(7) If a person ceases to be a member of the board of arbitration by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the employers or unions who appointed him or on whose behalf he was appointed. Vacancies

(8) If, in the opinion of the Minister, a member of the board of arbitration has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the employers or unions who appointed him or on whose behalf he was appointed. Replacement of member

(9) If the chairman of the board of arbitration is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a person to act as chairman in his place. Replacement of chairman

(10) No person shall be appointed a member of the board of arbitration who has any pecuniary interest in the matters coming before it or who is acting or has, within the period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of the employers or the unions. Disqualification of persons as members

(11) Where, after the board of arbitration has been established, either the employers or the unions complain to the Minister that it has failed to render its decision within a reasonable time, the Minister may, after consulting the employers and the unions and the board, issue whatever order he considers necessary in the circumstances to ensure that the decision will be rendered without delay. Order to expedite proceedings

(12) The board of arbitration shall determine its own procedure, but shall give full opportunity to the employers and the unions to present their evidence and make their submissions. Procedure

- Idem (13) If the members of the board of arbitration are unable to agree among themselves on matters or procedure or as to the admissibility of evidence, the decision of the chairman governs.
- Idem (14) The decision of a majority of the members of the board of arbitration is the decision of the board, but if there is no majority, the decision of the chairman is the decision of the board.
- Powers (15) The chairman and the other members of the board of arbitration have, respectively, all the powers of a chairman and the members of a board of arbitration under *The Labour Relations Act*.
- R.S.O. 1970,
c. 232
- Duty of board 4.—(1) The board of arbitration shall examine into and decide all matters that were in dispute between the parties on the 30th day of April, 1972, and any other matters that appear to the board to be necessary to be decided in order to conclude collective agreements between the parties.
- Matters not to be decided by board (2) The board of arbitration shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board.
- Board to remain seized of matters in dispute (3) The board of arbitration shall remain seized of and may deal with all matters within its jurisdiction until collective agreements between the parties are in effect.
- Agreement upon some matters (4) Where, before or during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the collective agreements and they so notify the board in writing of the matters agreed upon, the decision of the board shall be confined to,
- (a) the matters not agreed upon by the parties; and
- (b) such other matters that appear to the board necessary to be decided in order to conclude collective agreements between the parties.
- Decision of board (5) Where the parties have not notified the board of arbitration in writing that before or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreements, the board shall decide all matters in dispute and such other matters that appear to the board necessary to be decided to conclude collective agreements between the parties.
- Execution of agreement (6) Within five days of the date of the decision of the board of arbitration or such longer period as may be agreed upon

in writing by the parties, the parties shall prepare and execute documents giving effect to the decision of the board and any agreement of the parties, and the documents thereupon constitute collective agreements.

(7) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the decision of the board and any agreement of the parties within the period mentioned in subsection 6, the parties or either of them shall notify the chairman of the board in writing forthwith, and the board shall prepare documents in the form of collective agreements giving effect to the decision of the board and any agreement of the parties and submit the documents to the parties for execution.

(8) If the parties or either of them fail to execute the documents prepared by the board within a period of five days from the day of their submission by the board to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under *The Labour Relations Act*.

(9) The date the board of arbitration gives its decision is the effective date of the documents that constitute collective agreements between the parties.

(10) In making its decision upon matters in dispute between the parties, the board of arbitration may provide that any of the terms of the agreements shall be retroactive to such day or days as the board may fix, but not earlier than the 1st day of May, 1972.

5.—(1) *The Arbitrations Act* does not apply to the arbitration under this Act.

(2) Part I of *The Statutory Powers Procedure Act, 1971*, does not apply to the proceedings before the board of arbitration established under this Act.

6.—(1) Upon the coming into force of this Act, the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2.

(2) Notwithstanding any provision of *The Labour Relations Act*, upon the coming into force of this Act,

(a) the employees mentioned in subsection 1 of section 2 shall return to work, and shall not go on strike;

(b) the employers shall not cause a lock-out;

terms of
employment
not to be
altered

(c) the employers shall not, except with the consent of the unions, alter the rates of wages, or any other term or condition of employment, or any right, privilege or duty of the employers, the unions or the employees, that were in operation on the 30th day of April, 1972; and

idem

(d) the unions shall not, except with the consent of the employers, alter any term or condition of employment or any right, privilege or duty of the employers, the unions or the employees, that were in operation on the 30th day of April, 1972.

Application
of R.S.O.
1970, c. 232

7. Sections 65 and 66, subsection 1 of section 67 and sections 68, 82, 83, 84, 85, 86, 87, 88 and 90 of *The Labour Relations Act* apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act.

Expenses of
chairman

8. The remuneration and expenses of the chairman of the board of arbitration incurred for the purposes of this Act shall be paid out of the Consolidated Revenue Fund.

Commence-
ment and
repeal

9. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the collective agreements made under this Act come into operation.

Short title

10. This Act may be cited as *The Elevator Constructor Unions Disputes Act, 1973*.

CHAPTER 2

**The Ministry of Government
Services Act, 1973**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “commodity” means tangible personal property of every kind;
- (b) “Deputy Minister” means the Deputy Minister of Government Services;
- (c) “Government” means the Government of Ontario and includes all ministries and agencies thereof;
- (d) “Minister” means the Minister of Government Services;
- (e) “Ministry” means the Ministry of Government Services;
- (f) “public work” means any real property or interest therein belonging to the Government that was acquired by lease or otherwise including any building or structure made, built, constructed, erected, extended, enlarged, repaired, improved or formed for the public purposes of the Government or at the expense of the Government and including all appointments, furnishings and equipment installed or placed in or on or used in connection with such property that belong to the Government but does not include any work for which money is appropriated by the Legislature as a subsidy. R.S.O. 1970, c. 393, s. 1; 1972, c. 1, s. 74 (2, 3), *amended*.

2. A reference in any Act or regulation,

References
to *Public
Works Act*,
etc.

(a) to the Minister of Public Works or the Department of Public Works shall be deemed to be a reference to the Minister of Government Services or the Ministry of Government Services, respectively; or

R.S.O. 1970,
c. 393
1973, c. 2

(b) to *The Public Works Act* or *The Government Services Act* shall be deemed to be a reference to *The Ministry of Government Services Act, 1973. New.*

Ministry
continued

3.—(1) The ministry of the public service known as the Ministry of Government Services is continued.

Minister
to preside

(2) The Minister shall preside over and have charge of the Ministry.

Deputy
Minister

(3) The Lieutenant Governor in Council shall appoint a Deputy Minister of Government Services who shall be the deputy head of the Ministry. R.S.O. 1970, c. 393, ss. 2, 3; 1972, c. 1, s. 74 (4), *amended*.

Staff

R.S.O. 1970,
c. 386

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are required from time to time for the proper conduct of the business of the Ministry.

Queen's
Printer

(2) The Lieutenant Governor in Council may appoint a Queen's Printer for Ontario who shall control imprint and secure legal copyright on and control title to all legislative and other material printed by the Government. R.S.O. 1970, c. 393, s. 4, *amended*.

References
to Queen's
Printer in
other Acts

(3) A reference in any Act or regulation to the Queen's Printer and Publisher shall be deemed to be a reference to the Queen's Printer. *New.*

Functions of
Ministry

5. The Ministry shall be operated as a common service agency for the Government and its activities shall be directed towards providing the ministries and agencies of the Government with services in support of the programs of those ministries and agencies. *New.*

Responsi-
bilities of
Minister

6.—(1) It is the responsibility of the Minister and he has power,

(a) in accordance with section 8, to acquire, lease and dispose of public works;

(b) to design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;

(c) to determine the public works or parts thereof that are open to the public and to manage and administer such public works or parts including,

- (i) regulating vehicular and pedestrian traffic,
- (ii) setting apart any building, premises or structure that is a public work, or any part thereof, for a limited use, and
- (iii) fixing and collecting fees for parking in any area in, on or under any public work set apart for the purpose.

(2) It is the responsibility of the Minister and he has power, *Idem*

- (a) to develop and manage common services for increasing the efficiency and economy of ministries and agencies of the Government;
- (b) to establish specifications and standards concerning the acquisition of commodities by the Government, the cataloguing of commodities and the maintenance, storage and disposal of commodities;
- (c) to acquire by purchase, lease or otherwise, commodities and services required by the Government, to store all or any of such commodities and to dispose of all or any of such commodities;
- (d) to supervise and control the distribution of commodities and services to the Government; and
- (e) to provide such other services as the Lieutenant Governor in Council assigns. R.S.O. 1970, c. 393, s. 17, *amended*.

(3) Notwithstanding subsections 1 and 2, the Lieutenant Governor in Council may, for such period and under such terms and conditions as he considers suitable, assign any of the responsibilities or powers of the Minister under this section to another minister. *New.*

Assignment
of responsi-
bilities to
another
Minister

7. Subject to *The Management Board of Cabinet Act, 1971*, the Minister may charge for commodities and services provided under this Act. *New.*

Charge for
services, etc.
1971
(2nd Sess.),
c. 12

8.—(1) The Minister may acquire by purchase, lease or otherwise, property, real or personal, including any interest therein for the use or purposes of the Government and may

Acquisition
of property

dispose of such property or any interest therein, by sale, lease or otherwise, when no longer required for the use or purposes of the Government. R.S.O. 1970, c. 393, s. 8 (1), *part, amended*.

Expropriation (2) Subject to *The Expropriations Act*, the Minister, for and
R.S.O. 1970, in the name of the Crown, may, without consent of the owner
c. 154 thereof, enter upon, take and expropriate any land or interest therein that he considers necessary for the use or purposes of the Government. R.S.O. 1970, c. 393, s. 13, *amended*.

Disposal of (3) Any disposal by the Minister of real property, or any
real property interest therein, by way of grant, sale, lease or otherwise, is subject to the approval of the Lieutenant Governor in Council. R.S.O. 1970, c. 393, s. 8 (2).

Property (9. Except as otherwise provided in any other Act or by the
vested in Lieutenant Governor in Council, all public works and all prop-
Crown erty, real or personal, or any interest therein, belonging to the Government, shall vest in the Crown and be under the control of the Minister. *New*.

Contracts (10. The Minister, for and in the name of the Crown, may
enter into any contract or agreement that he considers advisable for the purpose of carrying out this Act. R.S.O. 1970, c. 393, s. 8 (1), *part, amended*.

Enforcement (11. Contracts respecting any public works or property,
of contracts real or personal, under the control of the Ministry, entered into by the Minister, or by any other person duly authorized to enter into the same, enure to the benefit of the Crown and may be enforced as if entered into with the Crown under this Act. R.S.O. 1970, c. 393, s. 9.

Style of (12. All actions and other proceedings for the enforcement
actions of any contract for the recovery of damages for any tort or breach of contract or for the trial of any right in respect of property, real or personal, under the control of the Ministry shall be instituted in the name of the Attorney General. R.S.O. 1970, c. 393, s. 10.

Tenders (13. Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall invite tenders therefor, except,

- (a) in cases of emergency where in the opinion of the Minister delay would be damaging; or
- (b) where the estimated cost of the work is less than \$10,000,

and the Minister shall report all cases referred to in clause *a* to the Legislature forthwith, if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 393, s. 5 (1), *amended*.

14. The Minister may require and take security by way of ^{Bonds} bond, with or without collateral security, or by way of deposit of money for the due performance of any contract entered into under this Act. R.S.O. 1970, c. 393, s. 52.

15. The Minister, after the close of each year, shall submit ^{Annual report} to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly, if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 393, s. 5 (5, 6), *amended*.

16. Where, under this or any other Act, power or authority ^{Delegation of authority} is granted to or vested in the Minister, other than the power to expropriate, he may, in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation. R.S.O. 1970, c. 393, s. 18.

17. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing fees for the use of property belonging to or controlled by the Government, including plans, specifications, facilities and equipment ;
- (b) for the preservation and management of any public building ;
- (c) prescribing the manner in which and conditions under which Government purchases, disposals or storages or any class thereof shall be carried out. R.S.O. 1970, c. 393, s. 19, *amended*.

18. The following are repealed:

Repeals

1. *The Government Services Act*.

R.S.O. 1970,
c. 393

2. Section 74 of *The Government Reorganization Act*, 1972, c. 1, s. 74.

19. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

20. This Act may be cited as *The Ministry of Government ^{Short title} Services Act, 1973*.

CHAPTER 3

An Act to amend The Crown Attorneys Act

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Crown Attorneys Act*, being^{s. 1 (2),} chapter 101 of the Revised Statutes of Ontario, 1970, is^{amended} amended by striking out "Director of Public Prosecutions" in the fourth line and inserting in lieu thereof "Deputy Attorney General".
2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>
3. This Act may be cited as *The Crown Attorneys Amendment*^{Short title} Act, 1973.

CHAPTER 4

An Act to amend The Crown Witnesses Act

*Assented to April 5th, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 2 of *The Crown Witnesses Act*, <sup>s. 2 (3),
amended</sup> being chapter 103 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 5, section 1, is amended by striking out “Director of Public Prosecutions” in the second line and inserting in lieu thereof “Deputy Attorney General”.
- (2) Subsection 4 of the said section 2 is amended by striking <sup>s. 2 (4),
amended</sup> out “Director of Public Prosecutions” in the first line and inserting in lieu thereof “Deputy Attorney General”.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Crown Witnesses Amendment* ^{Short title} *Act, 1973*.

CHAPTER 5

**An Act to amend
The Administration of Justice Act**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 6 of *The Administration of Justice*<sup>s. 6 (1),
amended</sup> Act, being chapter 6 of the Revised Statutes of Ontario, 1970, is amended by striking out “Director of Public Prosecutions” in the third line and in the fifth line and inserting in lieu thereof in each instance “Deputy Attorney General”.
- (2) Subsection 2 of the said section 6 is amended by striking<sup>s. 6 (2),
amended</sup> out “Director of Public Prosecutions” in the first line and in the fifth and sixth lines and inserting in lieu thereof in each instance “Deputy Attorney General”.
- (3) Subsection 3 of the said section 6, as amended by the<sup>s. 6 (3),
amended</sup> Statutes of Ontario, 1971, chapter 8, section 1, is further amended by striking out “Director of Public Prosecutions” in the first line and inserting in lieu thereof “Deputy Attorney General”.
2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>
3. This Act may be cited as *The Administration of Justice Amend-Short title
ment Act, 1973.*

CHAPTER 6

**An Act to amend
The Limited Partnerships Act**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 5 of *The Limited Partnerships Act*, being chapter ^{s. 5, amended} 247 of the Revised Statutes of Ontario, 1970, is amended by striking out “in Form 1” in the second line.
- (2) Clause *c* of the said section 5 is repealed and the following ^{s. 5 (c), re-enacted} substituted therefor:
 - (c) the full names of all the general and limited partners, distinguishing which are general and which are limited partners, and the residence address or address for service of each general or limited partner, giving street and number, if any.
- (3) Clause *e* of the said section 5 is repealed and the following ^{s. 5 (e), re-enacted} substituted therefor:
 - (e) the time when the partnership is to commence.
- (4) The said section 5 is further amended by adding thereto ^{s. 5, amended} the following clause:
 - (g) such other information as is required by the regulations made under this Act.

2. Sections 6 and 7 of the said Act are repealed and the following <sup>s. 6, re-enacted;
s. 7, repealed</sup> substituted therefor:

6. The provisions of *The Partnerships Registration Act*, <sup>Filing and recording
R.S.O. 1970,
c. 340</sup> except section 8*a* and subsection 2 of section 15*a*, and the regulations thereunder, applying to the filing and recording of declarations under that Act, apply to certificates under this Act.

s. 9,
re-enacted

3. Section 9 of the said Act is repealed and the following substituted therefor:

Fees

9. The same fees are payable for services under this Act as are prescribed for the corresponding services by the regulations made under *The Partnerships Registration Act*.

R.S.O. 1970,
c. 340

s. 10,
amended

4. Section 10 of the said Act is amended by striking out “certified” in the second line.

ss. 11-13,
re-enacted

5. Sections 11, 12 and 13 of the said Act are repealed and the following substituted therefor:

Expiration
of certifi-
cates

11.—(1) Every certificate filed under this Act expires,

(a) in the case of a certificate filed before the 1st day of July, 1973, on the 1st day of January, 1975;

(b) in the case of a certificate filed after the 1st day of July, 1973, in five years after its date of filing,

subject to renewal by filing a new certificate in every case for a further period of five years from time to time.

Effect of
expiration

(2) Where a certificate has expired, the partnership ceases to be a limited partnership and the partners are liable as general partners until a new certificate is filed under this Act.

Effect of
alterations

12. Whenever any change takes place in the partnership name, in the names of the partners, in the nature of the business or in the capital or shares thereof, the partnership ceases to be a limited partnership and the partners are liable as general partners to any creditor of the partnership who deals with the partnership without actual knowledge of the nature of the limited liability, unless a new certificate is filed showing such changes.

Use of
partnership
name

13.—(1) The business of a limited partnership shall be conducted under the name of the partnership.

Composition
of name

(2) The name of a limited partnership shall not include the surname or a distinctive part of the corporate name of a limited partner.

Use of
prohibited
name

(3) Where the business of a limited partnership is conducted under a firm name that includes the surname or a distinctive part of the corporate name of a limited partner, the limited partner is liable as a general partner to any creditor of the limited partnership who deals with the partnership without actual knowledge that the limited partner is not a general partner.

6. Section 19 of the said Act is repealed and the following substituted therefor: ^{s. 19, re-enacted}

19. No dissolution of a limited partnership by the acts of the parties shall take place before the expiry of the partnership certificate until a notice of the dissolution has been filed and has been published once in each week, for three weeks, in a newspaper having general circulation in the area where the partnership has its principal place of business and at the same intervals in *The Ontario Gazette*. ^{No premature dissolution without notice, etc.}

20. The Lieutenant Governor in Council may make regulations, ^{Regulations}

(a) respecting the form of any document required to be filed under this Act;

(b) respecting the custody and destruction of certificates.

7. Form 1 of the said Act is repealed.

^{Form 1, repealed}

8. This Act comes into force on the 1st day of July, 1973.

^{Commencement}

9. This Act may be cited as *The Limited Partnerships Amendment Act, 1973*.

^{Short title}

CHAPTER 7

**An Act to amend
The Partnerships Registration Act**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Partnerships Registration Act*, being chapter ^{s. 1,} 340 of the Revised Statutes of Ontario, 1970, is repealed and re-enacted the following substituted therefor:

1.—(1) Persons associated in partnership for trading, ^{Filing of} manufacturing or mining purposes shall cause to be filed with ^{partnership} the Registrar of Partnerships a declaration in writing. ^{declaration}

(2) A declaration is not required to be filed under this ^{Exception} Act where all the members of a partnership are corporations or where the person to whom section 8 applies is a corporation and each corporation has complied with the requirements of section 2 of *The Corporations Information Act, 1971*. ^{1971, c. 27}

(3) The business of a partnership shall be conducted under ^{Business} the name of the partnership. ^{name}

1a. Every document required or permitted to be filed with ^{Place of} the Registrar of Partnerships under this Act may, until ^{filing} the 1st day of January, 1975, be filed with him in the land registry office of the registry division in which the partnership carries on or intends to carry on business, and thereafter in the place prescribed by the regulations.

- 2.—(1) Clause *a* of section 2 of the said Act is repealed and the ^{s. 2(a),} following substituted therefor: ^{re-enacted}

(a) the full name and residence address or address for service of each partner, giving street and number, if any.

- (2) The said section 2, as amended by the Statutes of Ontario, ^{s. 2,} 1971, chapter 98, section 4, is further amended by ^{amended}

striking out “and” at the end of clause *d* and by striking out clause *e* and inserting in lieu thereof the following:

- (*e*) except in respect of a partner that is a corporation, which of the partners are of the full age of eighteen years and, where a partner is less than eighteen years of age, the date of his birth; and
- (*f*) such other information as is required by the regulations made under this Act.

ss. 3, 4,
re-enacted

3. Sections 3 and 4 of the said Act are repealed and the following substituted therefor:

When
declaration
to be filed

3. Every declaration shall be filed within sixty days next after the formation of the partnership or, in the case of a declaration under section 8, within sixty days of the time when the name or designation is first used.

Declaration
where
changes

4. Whenever any change takes place in the membership of a partnership, in the residence address or address for service of any partner or in the name of a partnership, the partners shall cause to be filed within sixty days after the change takes place a new declaration setting out the information required by section 2.

s. 6,
amended

4. Section 6 of the said Act is amended by striking out “in Form 2” in the second and third lines.

s. 7 (1),
re-enacted

5. Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor:

Effect of
failure to
file
declaration
of change or
dissolution

(1) No person who signed the declaration under section 1 or a subsequent declaration under section 4 or 15*a* shall be deemed as against creditors to have ceased to be a partner until a declaration of dissolution under section 6 is made and filed or a declaration is filed under section 4 omitting his name.

s. 8 (1),
amended

6.—(1) Subsection 1 of section 8 of the said Act is amended by striking out “the registrar of the registry division in which he carries on or intends to carry on business” in the eighth and ninth lines and inserting in lieu thereof “the Registrar of Partnerships”.

s. 8 (2) (*a*),
re-enacted

(2) Clause *a* of subsection 2 of the said section 8 is repealed and the following substituted therefor:

- (*a*) the full name and residence address or address for service, giving street and number, if any, of the person making the declaration.

- (3) Subsection 2 of the said section 8 is amended by striking out “and” at the end of clause *c* and by striking out clause *d* and inserting in lieu thereof the following:

- (*d*) that the person is at least eighteen years of age or the date of his birth if he is under the age of eighteen years; and
- (*e*) such other information as is required by the regulations made under this Act.

- (4) The said section 8 is amended by adding thereto the following subsection:

(3) Whenever any change takes place in the residence address or address for service of the person making the declaration or in the name or designation under which he carries on business, he shall cause to be filed within sixty days after the change takes place a new declaration setting out the information required by subsection 2.

7. The said Act is amended by adding thereto the following section: s. 8a, enacted

8a. Subject to subsection 2 of section 15a, the Registrar of Partnerships may extend the period for filing any declaration under this Act upon being satisfied that the failure to file arose from misadventure, ignorance or some other cause that constitutes a reasonable excuse and that the partners or other declarant have acted and are acting in good faith.

8. Sections 10 and 11 of the said Act are repealed and the following substituted therefor: s. 10, re-enacted
s. 11, repealed

10.—(1) Every person who,

- (*a*) contravenes any provision of this Act or the regulations; or
- (*b*) makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

False
statements
wilful

(2) No person is guilty of an offence referred to in clause *b* of subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Liability of
directors and
officers

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation, and where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, who authorized, permitted or acquiesced in such an offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

s. 12,
amended

9. Section 12 of the said Act is amended by striking out “registrar” in the first line and inserting in lieu thereof “Registrar of Partnerships”.

s. 15 (1) (a),
amended

10.—(1) Clause *a* of subsection 1 of section 15 of the said Act is amended by striking out “registrars of deeds” in the first and second lines and inserting in lieu thereof “the Registrar of Partnerships”.

s. 15 (1) (b),
amended

(2) Clause *b* of subsection 1 of the said section 15 is amended by striking out “to registrars of deeds” in the first line.

s. 15 (1) (c),
re-enacted

(3) Clause *c* of subsection 1 of the said section 15 is repealed and the following substituted therefor:

(c) respecting the form of any document required to be filed under this Act;

(d) respecting the custody and destruction of declarations;

(e) prescribing the place for filing documents under this Act with the Registrar of Partnerships after the 1st day of January, 1975.

s. 15a,
enacted

11. The said Act is amended by adding thereto the following section:

Expiration of
declarations

15a.—(1) Every declaration filed under this Act expires,

(a) in the case of a declaration filed before the 1st day of July, 1973, on the 1st day of January, 1975;

(b) in the case of a declaration filed after the 1st day of July, 1973, in five years after its date of filing,

subject to renewal by filing a new declaration in every case for a further period of five years from time to time.

(2) Where a declaration of a partnership or a declaration under section 8 has been filed before the 1st day of July, 1973 and has expired by the operation of clause *a* of subsection 1, the Registrar of Partnerships shall, upon application therefor made before the 1st day of January, 1980, extend the time for renewal to a date sufficient to provide an opportunity to file the renewal and the declaration referred to in clause *a* of subsection 1 shall be deemed to not have expired until that date.

Extension of
time after
expiration

12. Forms 1 and 2 of the said Act are repealed.

Forms 1, 2,
repealed

13. This Act comes into force on the 1st day of July, 1973.

Commence-
ment

14. This Act may be cited as *The Partnerships Registration Amendment Act, 1973*.

Short title

CHAPTER 8

**An Act to amend
The Consumer Protection Bureau Act**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 1 of *The Consumer Protection Bureau Act*, being chapter 83 of the Revised Statutes of Ontario, 1970, is repealed. s. 1 (2) (b),
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Consumer Protection Bureau Amendment Act, 1973*. Short title

CHAPTER 9

An Act to amend The Collection Agencies Act

Assented to April 5th, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Collection Agencies Act*, being chapter 71 of the Revised Statutes of Ontario, 1970, is amended by striking out “or” at the end of clause *f* and by striking out clause *g* and inserting in lieu thereof the following:
 - (*g*) to a credit union incorporated under *The Credit Unions Act* or any employee thereof acting in the regular course of his employment; or
 - (*h*) to a person providing counselling services in respect of consumer credit and receiving public money under *The Ministry of Community and Social Services Act* for the purpose.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Collection Agencies Amendment Act, 1973*.

s. 2,
amended

R.S.O. 1970,
c. 96

R.S.O. 1970,
c. 120

Commence-
ment

Short title

CHAPTER 10

**An Act to amend
The Proceedings Against the Crown Act**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Proceedings Against the Crown* ^{s. 2 (1), amended} Act, being chapter 365 of the Revised Statutes of Ontario, 1970, is amended by inserting after "Act" where it appears the first time in the seventh line "*The Motor Vehicle Fuel Tax Act*".
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Proceedings Against the Crown* ^{Short title} Amendment Act, 1973.

CHAPTER 11

**An Act to amend
The Securities Act**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 31, section 5, is further amended by adding thereto the following subsection:

(3) Notwithstanding that a person or company requests a Stay hearing and review thereof under subsection 1 of this section or subsection 3 of section 3, the direction, decision, order or ruling under review takes effect immediately, but the Commission may grant a stay until disposition of the hearing and review.

2. Section 29 of the said Act is repealed and the following substituted therefor:

29.—(1) Any person or company primarily affected by a Appeal direction, decision, order or ruling of the Commission, other than a ruling under section 59, may appeal to the Supreme Court.

(2) Notwithstanding that an appeal is taken under this Stay section, the direction, decision, order or ruling appealed from takes effect immediately, but the Commission or the Divisional Court may grant a stay until disposition of the appeal.

(3) The Director shall certify to the Registrar of the Supreme Court, Certification of documents

- (a) the direction, decision, order or ruling that has been reviewed by the Commission, or the application, complaint, reference or other document, if any, by which the proceedings were commenced;

- (b) the notice of any hearing or hearing and review;
- (c) any intermediate direction, decision, order or ruling of the Commission;
- (d) the record of the hearing or the hearing and review; and
- (e) the direction, decision, order or ruling of the Commission and the reasons therefor.

Minister
entitled
to be
heard

(4) The Minister is entitled to be heard by counsel or otherwise, upon the argument of an appeal under this section.

Order of
court

(5) Where an appeal is taken under this section, the court may by its order direct the Commission to make such direction, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Commission shall make such direction, decision, order or ruling or do such act accordingly.

Commission
may make
further
direction,
etc.

(6) Notwithstanding an order of the court on an appeal, the Commission has power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances, and every such direction, decision, order or ruling is subject to this section.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Securities Amendment Act, 1973*.

CHAPTER 12

**An Act to amend
The Certification of Titles Act**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 9 and 10 of *The Certification of Titles Act*, being chapter 59<sup>ss. 9, 10,
repealed</sup> of the Revised Statutes of Ontario, 1970, are repealed.
- 2.—(1) Section 19 of the said Act, as amended by the Statutes<sup>s. 19,
amended</sup> of Ontario, 1971, chapter 50, section 14, is further amended by adding thereto the following subsection:

(3a) Except where he recommends the claim be paid in^{Hearing} full, the Director of Titles shall hold a hearing, and the claimant and such other persons as the Director of Titles may specify are parties to the proceedings before him.
- (2) Subsection 4a of the said section 19, as enacted by the<sup>s. 19 (4a),
repealed</sup> Statutes of Ontario, 1971, chapter 50, section 14, is repealed.
3. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>
4. This Act may be cited as *The Certification of Titles Amendment*^{Short title} Act, 1973.

CHAPTER 13

**An Act to amend
The Motor Vehicle Accident Claims Act**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Motor Vehicle Accident Claims Act*, being^{s. 1,} chapter 281 of the Revised Statutes of Ontario, 1970, as amended^{amended} by the Statutes of Ontario, 1972, chapter 1, section 46, is further amended by adding thereto the following clauses:

(a) “Director” means the Director of the Motor Vehicle Accident Claims Fund appointed for the purposes of this Act;

.

(ha) “Superintendent” means the Superintendent of Insurance.

2. Subsection 3 of section 3 of the said Act is repealed and the^{s. 3 (3),} following substituted therefor:^{re-enacted}

(3) Every owner of a motor vehicle who fails to produce^{Offence} evidence under subsection 1 when requested to do so or within^{for failure} seventy-two hours of such request is guilty of an offence and^{to produce} on summary conviction is liable to a fine of not less than \$50^{evidence} and not more than \$500.

3. Section 4 of the said Act is repealed and the following sub-^{s. 4,} stituted therefor:^{re-enacted}

4. The Superintendent shall be deemed to be an agent of the^{Superinten-} owner and of the operator of every uninsured motor vehicle^{dent deemed} for service of notice or process in an action in Ontario arising^{agent for} out of the use or operation in Ontario of the uninsured motor^{service re} vehicle, and, where such an action is commenced,^{uninsured} vehicles

(a) a notice or process shall be served on the Superintendent by leaving a copy thereof with or at the office of the Superintendent; and

(b) a copy of the notice or process shall be sent forthwith by the Director by registered mail to the defendant at his last address as recorded with the Ministry of Transportation and Communications.

s. 5 (2),
amended

4.—(1) Subsection 2 of section 5 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out “Ministry” in the amendment of 1972 and inserting in lieu thereof “Ministry of Transportation and Communications”.

s. 5 (6),
re-enacted

(2) Subsection 6 of the said section 5 is repealed and the following substituted therefor:

Suspension
of licence

(6) Where payment is made under subsection 3, the driver’s licence of the person to whom notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated and no further licence or renewal shall be issued until such person has,

(a) repaid in full to the Fund the amount paid out; or

(b) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations made under section 10.

s. 5 (7),
amended

(3) Subsection 7 of the said section 5 is amended by inserting after “Registrar” in the fifth line “upon receiving notice of such default from the Director”.

s. 8 (2),
amended

5. Subsection 2 of section 8 of the said Act is amended by striking out “Registrar of Motor Vehicles” in the second line and inserting in lieu thereof “Director”.

s. 9,
re-enacted

6. Section 9 of the said Act is repealed and the following substituted therefor:

Suspension
of licence

9. Where the Minister pays out of the Fund any amount in satisfaction of a judgment, the driver’s licence of the judgment debtor on whose behalf such payment is made shall forthwith be suspended by the Registrar and shall not be reinstated and no further licence or renewal shall be issued until the judgment debtor has,

(a) repaid in full to the Fund the amount paid out; or

(b) commenced instalment repayments in accordance with the regulations made under section 10.

7. Subsection 3 of section 10 of the said Act is amended by inserting ^{s. 10 (3),} amended after "Registrar" in the second line "upon receiving notice of such default from the Director".
8. Section 11 of the said Act is amended by striking out "Registrar" ^{s. 11,} amended in the sixth line and inserting in lieu thereof "Superintendent".
9. Section 12 of the said Act is amended by striking out "Registrar" ^{s. 12,} amended in the sixth line and inserting in lieu thereof "Superintendent".
10. Section 13 of the said Act is amended by striking out "Registrar" ^{s. 13,} amended in the first line and inserting in lieu thereof "Superintendent".
11. Section 14 of the said Act is amended by striking out "Registrar" ^{s. 14,} amended in the eighth line and inserting in lieu thereof "Superintendent".
12. Section 15 of the said Act is amended by striking out "Registrar" ^{s. 15,} amended where it occurs in the first line and inserting in lieu thereof in each instance "Superintendent".
13. Section 16 of the said Act is amended by striking out "Registrar" ^{s. 16,} amended in the first line, second line and fourth line and inserting in lieu thereof in each instance "Superintendent".
14. Section 17 of the said Act is amended by striking out "Registrar" ^{s. 17,} amended in the first line and inserting in lieu thereof "Superintendent".
15. Section 18 of the said Act is amended by striking out "Registrar" ^{s. 18,} amended in the first line and inserting in lieu thereof "Superintendent".
- 16.—(1) Subsection 1 of section 19 of the said Act is amended by ^{s. 19 (1),} amended striking out "Registrar" where it occurs in the second line and inserting in lieu thereof in each instance "Superintendent".

(2) Clause *a* of subsection 2 of the said section 19 is amended by ^{s. 19 (2) (a),} amended striking out "Registrar" in the third line and in the fourth line and inserting in lieu thereof in each instance "Superintendent".
17. Section 20 of the said Act is amended by striking out "Registrar" ^{s. 20,} amended where it occurs in the first line and inserting in lieu thereof in each instance "Superintendent".
18. Section 21 of the said Act is amended by striking out "Registrar" ^{s. 21,} amended in the third line and inserting in lieu thereof "Superintendent".

42	Chap. 13	MOTOR VEHICLE ACCIDENT CLAIMS	1973
s. 22 (5), amended	19.	Subsection 5 of section 22 of the said Act is amended by striking out “Registrar” in the second line and inserting in lieu thereof “Superintendent”.	
Rights vested in Superinten- dent of Insurance R.S.O. 1970, c. 281	20.	Any right under <i>The Motor Vehicle Accident Claims Act</i> of or against the Registrar of Motor Vehicles existing immediately before this Act comes into force shall be deemed to be a right of or against the Superintendent of Insurance and where the Registrar of Motor Vehicles is a party to any action or proceeding under the said Act, the Superintendent of Insurance shall be deemed to be a party in his place.	
Rights vested in Minister of Consumer and Commercial Relations	21.	Any right in any action or proceeding under <i>The Motor Vehicle Accident Claims Act</i> vested in the Minister of Transportation and Communications immediately before the 1st day of April, 1972 shall be deemed to have been vested on that date in the Minister of Consumer and Commercial Relations.	
Commence- ment	22.	This Act comes into force on the day it receives Royal Assent.	
Short title	23.	This Act may be cited as <i>The Motor Vehicle Accident Claims Amendment Act, 1973</i> .	

CHAPTER 14

**An Act to amend
The Forest Fires Prevention Act**

*Assented to April 5th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Forest Fires Prevention Act*, ^{s. 5 (2), amended} being chapter 179 of the Revised Statutes of Ontario, 1970, is amended by striking out "14" in the third line and inserting in lieu thereof "16".

2. Section 19 of the said Act is repealed and the following substituted ^{s. 19, re-enacted} therefor:

19. The Minister and the Crown in right of Canada or any ^{Agreements for fire prevention and control} province of Canada, any agency of any of them or any municipality may enter into an agreement with respect to the prevention and control of grass, brush or forest fires.

- 3.—(1) This Act, except section 1, comes into force on the day it ^{Commence-ment} receives Royal Assent.

(2) Section 1 shall be deemed to have come into force on the 1st ^{Idem} day of September, 1971.

4. This Act may be cited as *The Forest Fires Prevention Amend-Short title ment Act, 1973.*

CHAPTER 15

An Act to amend The Trustee Act

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 38 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970, is amended <sup>s. 38 (3),
amended</sup> by striking out “Supreme Court” in the fifth line and inserting in lieu thereof “court having jurisdiction to entertain the action”.

(2) Subsection 4 of the said section 38 is repealed and the <sup>s. 38 (4),
re-enacted</sup> following substituted therefor:

(4) A judge of the court having jurisdiction to entertain an **Exception** action under subsection 2 may make an appointment under subsection 3 before the period of six months referred to therein has expired if he is of the opinion that the right of action of the person wronged might otherwise be prejudiced.

2. This Act comes into force on the day it receives Royal Assent. **Commence-
ment**

3. This Act may be cited as *The Trustee Amendment Act, 1973*. **Short title**

CHAPTER 16

An Act to amend The Fatal Accidents Act

Assented to April 27th, 1973

Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Fatal Accidents Act*, being ^{s. 3 (2),} chapter 164 of the Revised Statutes of Ontario, 1970, is amended ^{amended} by striking out “\$300” in the third line and inserting in lieu thereof “\$800”.
2. This Act does not apply to funeral expenses claimed in an action ^{Application} commenced before this Act comes into force. ^{of Act}
3. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
4. This Act may be cited as *The Fatal Accidents Amendment Act*, ^{Short title} 1973.

CHAPTER 17

**An Act to amend
The Commissioners for taking
Affidavits Act**

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 2 of *The Commissioners for taking Affidavits Act*, being chapter 72 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(3) The clerk, deputy clerk and treasurer of every municipality, including a metropolitan or regional municipality, are *ex officio* commissioners for taking affidavits, Municipal
clerks and
treasurers

(a) in the case of a county or a metropolitan or regional municipality, in the county or the metropolitan or regional municipality, respectively; or

(b) in the case of a municipality other than a county or a metropolitan or regional municipality, in the county or the metropolitan or regional municipality in which the municipality is situate.

- (2) Subsection 5 of the said section 2 is amended by inserting after "district" in the fourth line "or metropolitan". s. 2 (5),
amended

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1973*. Short title

CHAPTER 18

An Act to amend The Devolution of Estates Act

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 11 of *The Devolution of Estates Act*, being chapter 129 of the Revised Statutes of Ontario, 1970, is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”. <sup>s. 11 (1),
amended</sup>
- (2) Subsection 2 of the said section 11 is amended by striking out “\$20,000” in the first line and in the second line and inserting in lieu thereof in each instance “\$50,000”. <sup>s. 11 (2),
amended</sup>
- (3) Subsection 3 of the said section 11 is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”. <sup>s. 11 (3),
amended</sup>
- 2.—(1) Subsection 1 of section 12 of the said Act is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”. <sup>s. 12 (1),
amended</sup>
- (2) Subsection 2 of the said section 12 is amended by striking out “\$20,000” in the first line and in the second line and inserting in lieu thereof in each instance “\$50,000”. <sup>s. 12 (2),
amended</sup>
- (3) Subsection 3 of the said section 12 is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”. <sup>s. 12 (3),
amended</sup>
- 3.—(1) The said Act is amended by adding thereto the following <sup>s. 31a,
enacted</sup> section:

31a. Where a person dies intestate in respect of all or any part of his property and is survived by a spouse, the spouse is entitled to any of such property to which, but for this section, the Crown would become entitled by escheat for lack of lawful heirs. <sup>Disposition
to spouse
for lack of
heirs</sup>

Application
of subs. 1

(2) Subsection 1 applies in respect of property to which the Crown became entitled before this section comes into force but which was not taken into possession before that date by the Public Trustee under *The Escheats Act*.

R.S.O. 1970,
c. 149

Commence-
ment

4.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 come into force on the 1st day of July, 1973.

Short title

5. This Act may be cited as *The Devolution of Estates Amendment Act, 1973*.

CHAPTER 19

An Act to amend The Surrogate Courts Act

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 60 of *The Surrogate Courts Act*, being chapter 451 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2) A bond shall not be required where the administration ^{Idem} on an intestacy is granted to the surviving spouse of the deceased and where,

(a) the net value of the estate as computed for the purposes of section 11 or 12 of *The Devolution of Estates Act* does not exceed \$50,000; and ^{R.S.O. 1970, c. 129}

(b) there is filed with the application for administration an affidavit setting forth the debts of the estate.

2. This Act comes into force on the 1st day of July, 1973.

**Commence-
ment**

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1973*. ^{Short title}

CHAPTER 20

An Act to amend The Public Transportation and Highway Improvement Act*Assented to April 27th, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 87*b* of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is repealed. s. 87 b (5), repealed

2. The said Act is amended by adding thereto the following s. 87 c, enacted section:

87*c*.—(1) The Minister and a municipality may enter into an agreement to provide, or to sell, lease or otherwise dispose of, all or any part of an experimental or demonstration project related to public transportation. Minister may enter into agreement with municipality

(2) The Minister may enter into an agreement with a firm or corporation, and any such agreement shall give prime consideration to Canadian content and Canadian technology, Minister may enter into agreement with firm or corporation

- (a) to provide all or any part of an experimental or demonstration project related to public transportation;
- (b) to design, develop, construct, test and operate all or any part of a demonstration transit system related to public transportation;
- (c) to acquire, hold, exercise, develop, license, sell, lease or otherwise dispose of rights related to all or any part of a transit system related to public transportation.

3. This Act comes into force on the day it receives Royal Assent. Commencement
4. This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1973*. Short title

CHAPTER 21

**An Act to amend
The Income Tax Act**

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, 1972, chapter 100, section 2 and 1972, chapter 146, section 1, is further amended by adding thereto the following subsections:

(8) Where an amount is to be refunded to a trust in respect of a taxation year pursuant to section 132 of the Federal Act, the Minister shall, subject to subsection 9, at such time and in such manner as is provided for in section 132 of the Federal Act, refund to the trust an amount (in this section referred to as its "capital gains refund" for the year) equal to that proportion of the amount of the refund for the year calculated under subsection 1 of section 132 of the Federal Act that,

- (a) the percentage obtained by multiplying the percentage referred to in subsection 3 for the year times the percentage referred to in paragraph *a* of subsection 3 of section 122 of the Federal Act for the year

is of

- (b) the percentage referred to in subparagraph *i* of paragraph *b* of subsection 4 of section 132 of the Federal Act for the year.

(9) For the purpose of computing the capital gains refund under subsection 8 for a trust in respect of a taxation year, where the trust had income earned in the taxation year outside Ontario, the refund shall be that proportion of the

capital gains refund for the year otherwise determined under subsection 8 that the trust's income earned in the taxation year in Ontario is of its income for the year.

Application
to other
liability

(10) Instead of making a refund that might otherwise be made under subsection 8, the Minister may, where the trust is liable or about to become liable to make any payment under this Act, apply to that other liability the amount that would otherwise be refunded, and he shall notify the trust of that action.

s. 6*b* (1) (*d*),
re-enacted

2.—(1) Clause *d* of subsection 1 of section 6*b* of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2, is repealed and the following substituted therefor:

(*d*) “occupancy cost” means,

- (i) municipal tax paid in the taxation year by a principal taxpayer, by his spouse, or by a trustee under a trust of which the principal taxpayer or his spouse is a beneficiary, in respect of a principal residence of the principal taxpayer, or
- (ii) 20 per cent of the rent paid in the taxation year by a principal taxpayer, by his spouse, or by a trustee under a trust of which the principal taxpayer or his spouse is a beneficiary, for occupation of a principal residence of the principal taxpayer if such rent has been calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1972, but the foregoing provisions of this subclause do not apply to any principal taxpayer if he or his spouse or a trustee for either of them, as the case may be, while paying rent for the principal residence of the principal taxpayer, was also liable to pay municipal tax thereon by reason of any agreement with the lessor of the principal residence or for any other reason.

s. 6*b* (1) (*e*),
amended

(2) Clause *e* of subsection 1 of the said section 6*b* is amended by striking out “that is either owned by or rented to the principal taxpayer or his spouse, and” in the second and third lines.

s. 6*b* (1) (*f*),
re-enacted

(3) Clause *f* of subsection 1 of the said section 6*b* is repealed and the following substituted therefor:

(f) "principal taxpayer" means an individual who, on the last day of the taxation year, occupies and inhabits a principal residence except when that individual, on the last day of the taxation year, occupies and inhabits a principal residence with his spouse, in which case "principal taxpayer" means that spouse who has the higher taxable income for the taxation year, but "principal taxpayer" does not include any individual who on the last day of the taxation year was,

(i) under the age of sixteen years,

(ii) under the age of twenty-one years and residing in the principal residence of a principal taxpayer who claims such individual as a dependant in that taxation year, or

(iii) entitled to claim the exemption from tax granted in paragraph *a* or *b* of subsection 1 of section 149 of the Federal Act.

(4) Subsection 5 of the said section 6*b* is repealed and the following substituted therefor: s. 6*b* (5), re-enacted

(5) The amount by which the deduction to which a principal taxpayer is entitled under subsection 2 exceeds his tax payable under this Act for the taxation year calculated without reference to this section may be applied by the Treasurer to pay any, Application of refund

(a) tax, interest or penalty owing by the principal taxpayer for that or any prior taxation year under this Act, the income tax statute of any agreeing province, or the Federal Act; and

(b) contribution, penalty or interest owing by the principal taxpayer for that or any prior taxation year as a result of payments required from him under the *Canada Pension Plan Act* (Canada); and R.S.C. 1970, c. C-5

(c) premium, interest or penalty owing by the principal taxpayer for that or any prior taxation year under the *Unemployment Insurance Act, 1971* (Canada), 1970-71-72, c. 48 (Can.)

and the part of the amount not so applied shall be paid to the principal taxpayer.

(5) Subsection 7 of the said section 6*b* is repealed and the following substituted therefor: s. 6*b* (7), re-enacted

Joint occupation of principal residence	(7) Where two or more principal taxpayers together occupy and inhabit the same principal residence in the taxation year, the occupancy cost thereof may be allocated to each such principal taxpayer according to his beneficial interest in the principal residence or according to the portion of the rent for the principal residence that was paid by or on behalf of each principal taxpayer in the taxation year, as the case may be.
Commence- ment	3. This Act comes into force on the day it receives Royal Assent and applies with respect to the 1972 and subsequent taxation years.
Short title	4. This Act may be cited as <i>The Income Tax Amendment Act, 1973</i> .

CHAPTER 22

**An Act to provide Assistance for the
Rehabilitation and Protection of Property
on or adjacent to Shorelines**

*Assented to May 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "municipality" means a city, town, village or township;
- (b) "prescribed" means prescribed by the regulations made under this Act;
- (c) "works" means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

PART I**REHABILITATION AND PROTECTION LOANS**

2.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may, without the assent of the electors, pass by-laws in the prescribed form authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of works and the issuance of debentures in the prescribed form by the municipality or by a district, metropolitan or regional municipality on its behalf.

Borrowing
powers of
municipali-
ties

R.S.O. 1970,
c. 323

(2) Forthwith after the passing of a by-law under sub-section 1, the clerk of the municipality shall register a

Registration
of by-law

duplicate original or a copy of it, certified under his hand and the seal of the municipal corporation, in the land registry office for the registry division in which the municipality is situate or, if the municipality is partly within two or more registry divisions, in each of them.

When by-law
to be valid,
where no
application
to quash

(3) Every by-law registered in accordance with subsection 2, unless an application or action to quash the by-law is made or brought in a court of competent jurisdiction before the by-law is registered, is valid and binding according to its terms.

Offer to
sell
debentures
to the
Province

(4) Where no application or action to quash the by-law has been made or brought before the by-law is registered or, where an application or action has been made or brought and is dismissed, a certified copy of the by-law shall be deposited with the Treasurer of Ontario together with an affidavit of the clerk of the municipality in the prescribed form stating that no application or action to quash the by-law has been made or brought or, if an application or action has been made or brought, that it has been dismissed, and the debentures authorized by the by-law may thereafter be offered for sale to the Province of Ontario.

Application
by owner for
loan

3.—(1) An owner of land who is assessed as the owner thereof in the municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of constructing works on such land or, with the prior consent of the Crown, on Crown land immediately adjacent to such land.

Where works
on Crown
lands

(2) Where the money is borrowed to construct works on Crown lands, it shall be deemed to be borrowed in respect of the land of the owner who borrowed the money.

Statutory
declaration
of applicant

(3) The application shall not be acted upon unless it is accompanied by a declaration of the applicant stating that he is the actual owner of the land mentioned in the application, and that the land is free from encumbrance, or if the land or any part of it is mortgaged or otherwise encumbered, stating the name and address of the mortgagee or encumbrancer, and where it has been assigned, the name of the assignee of the mortgage or encumbrance with his address.

Notice to
encum-
brancer

(4) Where it appears that there is a mortgage or encumbrance upon the land or any part of it, the application shall not be disposed of until two weeks after the mortgagee, encumbrancer or assignee has been notified of the application by registered mail, sent to him by the clerk at his last known address.

(5) If a mortgagee, encumbrancer or assignee notifies the clerk in writing within the time specified in subsection 4 that he objects to the granting of the application, the council shall afford him an opportunity to make representation to council.

Objections
to
application

(6) No person by reason of having borrowed money under this Act is disqualified from being elected as a member of council or from sitting or voting therein, but no member of council shall vote on any question affecting an application for a loan in which he has an interest.

Members of
council not
disqualified
by loan

(7) The approval of any application under subsection 1 is in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant.

Discretion
of council

(8) No loan for the construction of works shall exceed 90 per cent of the total cost of the works or a maximum amount prescribed by the regulations, whichever is the lesser.

Limitation
on loans

4. The council of a municipality borrowing money under this Act shall employ a competent inspector to assess the need for the construction of works, the type of works proposed and the compatability of such works with adjacent property and to inspect the works, and he shall file with the clerk an inspection and completion certificate in the prescribed form, and the cost of such services by the inspector shall be charged against the works inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7.

Appointment
of inspector

5.—(1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Treasurer of Ontario with respect to the funds to be loaned by the municipality, and, in the case of a municipality within a district, metropolitan or regional municipality, the council may request the district, metropolitan or regional municipality to issue the debenture on its behalf.

Debentures
may be
issued after
receipt of
inspector's
certificate

(2) A municipality, or a district, metropolitan or regional municipality on its behalf, shall not issue more than one debenture in any month, the amount of which may combine amounts to be loaned by the municipality under this Act.

Municipality
not to issue
more than
one
debenture
per month

(3) The amount of each debenture issued to the Treasurer of Ontario shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued.

Amount of
debentures

Interest rates on debentures	(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council.
Term of debentures	(5) The term of the debentures shall be for a period of twenty years and shall be repayable by equal annual instalments of principal and interest each due on the anniversary date of the debenture.
Prepayment	(6) The debentures shall provide that the municipality or district, metropolitan or regional municipality, as the case may be, shall pay forthwith to the Treasurer of Ontario any amount or amounts repaid under section 11.
Date of debentures	(7) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Treasurer of Ontario.
Offer to sell	(8) An application requesting the Treasurer of Ontario to purchase a debenture shall be by way of an offer to sell in the prescribed form and shall accompany the debenture delivered to the Treasurer of Ontario.
Purchase	6. —(1) The Treasurer of Ontario may purchase, acquire and hold debentures issued under the authority of this Act and pay therefor out of the Consolidated Revenue Fund.
Limitation on amount of debentures	(2) The aggregate principal amount of the outstanding debentures purchased by the Treasurer of Ontario under this Act shall not exceed \$50,000,000 at any time.
Terms on which council shall lend money	7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of twenty years at a rate of interest equal to that set out in the debenture by which the funds are borrowed.
Collection of special rate	8. The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of twenty years, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in twenty years the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of <i>The Municipal Act</i> as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

9.—(1) The annual payment on any debenture for principal and interest shall be remitted by the treasurer of the municipality or district, metropolitan or regional municipality to the Treasurer of Ontario on or before the due date. Repayment by municipality to Province

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council. Interest when default in payment

10.—(1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining. Sale of part of land with respect to which money lent

(2) The clerk of the municipality shall give the owners of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment. Notice

(3) The council in making the apportionment shall have regard to the effect of the works on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final. Apportionment of rate

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment. Filing of order of apportionment

11. The owner of land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed and, where a debenture has been issued on behalf of a municipality by a district, metropolitan or regional municipality, the municipality shall pay forthwith to the district, metropolitan or regional municipality, as the case may be, the amount received from the owner. Discharge of indebtedness by owner

PART II

BUILDING REPAIR LOANS

12. In this Part, “building repairs” means repairs to a building or structure required by reason of damage to the building or structure caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or other body of water caused by the elements. Interpretation

Loans for
building
repairs

13. Part I applies *mutatis mutandis* to building repairs, but no loan for building repairs shall exceed 90 per cent of the total cost of the repairs or the maximum amount prescribed by the regulations, whichever is the lesser.

PART III

GENERAL

Regulations

14. The Lieutenant Governor in Council may make regulations for the purposes of this Act,

- (a) prescribing forms and defining any word or expression not defined in this Act;
- (b) prescribing the maximum amount of loans for the construction of works and for building repairs.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Shoreline Property Assistance Act, 1973*.

CHAPTER 23

An Act to amend The Retail Sales Tax Act

Assented to May 14th, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 1 of section 1 of *The Retail Sales Tax Act*, ^{s. 1, par. 1, re-enacted} being chapter 415 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

1. “admission” includes entry to a place of amusement where any charge is made for such entry.

- (2) Paragraph 6 of the said section 1, as amended by the ^{s. 1, par. 6, re-enacted} Statutes of Ontario, 1972, chapter 1, section 104, is repealed and the following substituted therefor:

6. “person”, in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a partnership, a municipal corporation, including a district, metropolitan or regional municipal corporation, or a local board thereof as defined in *The Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature. ^{R.S.O. 1970, cc. 225, 118}

- (3) Paragraph 8 of the said section 1 is repealed and the ^{s. 1, par. 8, re-enacted} following substituted therefor:

8. “price of admission” means the charge made to a purchaser for entry into a place of amusement.

- (4) Paragraph 9 of the said section 1 is amended by striking ^{s. 1, par. 9, amended} out “who purchases admission for himself to a place of amusement, and a person for whom admission to a place of amusement is purchased by another person” in the ninth, tenth, eleventh and twelfth lines and by inserting in lieu thereof “who, at his expense, purchases admission to a place of amusement for himself or for another person”.

- s. 2 (1),
amended
- 2.**—(1) Subsection 1 of section 2 of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “7”.
- s. 2 (2), par. 2,
amended
- (2) Paragraph 2 of subsection 2 of the said section 2 is amended by striking out “\$2.50” and inserting in lieu thereof “\$4.00”.
- s. 2 (3),
amended
- (3) Subsection 3 of the said section 2 is amended by striking out “5” in the third line and inserting in lieu thereof “7”.
- s. 4 (1),
amended
- 3.** Subsection 1 of section 4 of the said Act is amended by adding at the end thereof “or that such person has entered into an arrangement satisfactory to the Minister for the payment of such taxes or for securing their payment”.
- s. 5 (1), par. 2,
re-enacted
- 4.**—(1) Paragraph 2 of subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:
2. any prepared meal the price of which neither exceeds \$4.00 nor is included in the sale price of two or more prepared meals that are sold to one purchaser for a total sale price that exceeds \$4.00;
- 2a. all prepared meals the prices of which are included in the total sale price of two or more prepared meals that are sold to one purchaser and that are consumed by two or more people if the average price of all the prepared meals the prices of which are included in such total sale price is not more than \$4.00 and if that average price is determined by dividing such total price by the number of people to whom was served a prepared meal the price of which was included in such total sale price and if the bill to the purchaser that contains such total sale price clearly shows the number of people to whom were served the prepared meals the prices of which were included in such total sale price.
- s. 5 (1),
par. 13,
re-enacted,
pars. 20-22,
repealed
- (2) Paragraphs 13, 20, 21 and 22 of subsection 1 of the said section 5 are repealed and the following substituted therefor:
13. trees, shrubs, bushes, seeds and seedlings, cut flowers and plants, bulbs from which plants or flowers may be grown, growing plants and flowers and the containers in which they are growing, but not any artificial plant, flower or tree.
- s. 5 (1),
par. 26,
re-enacted
- (3) Paragraph 26 of subsection 1 of the said section 5 is repealed and the following substituted therefor:
26. soil, clay, sand, gravel and unfinished stone.

(4) Paragraph 30 of subsection 1 of the said section 5 is <sup>s. 5 (1),
par. 30,
amended</sup> amended by adding at the end thereof "and any prosthetic appliance or equipment as defined by the Minister".

(5) Paragraph 48 of subsection 1 of the said section 5 is <sup>s. 5 (1),
par. 48,
re-enacted</sup> repealed and the following substituted therefor:

48. liquor, beer or wine sold under the authority of a special occasion permit issued under *The Liquor Licence Act* and regulations made thereunder. <sup>R.S.O. 1970,
c. 250</sup>

(6) Paragraph 60 of subsection 1 of the said section 5 is <sup>s. 5 (1),
par. 60,
re-enacted</sup> repealed and the following substituted therefor:

60. tangible personal property that enters directly into and becomes part of the construction of capital works that, upon completion, are owned by a municipality or by a local board thereof, if the cost of such tangible personal property is shown to have been directly and substantially borne by the municipality or local board thereof that owns the capital works into the construction of which such tangible personal property entered.

(7) Paragraph 63 of subsection 1 of the said section 5 is <sup>s. 5 (1),
par. 63,
re-enacted</sup> repealed and the following substituted therefor:

63. animals, including birds, fish and reptiles, sold for use as household pets.

5. Section 8 of the said Act is repealed and the following substituted therefor: <sup>s. 8,
re-enacted</sup>

8. Every vendor is an agent of the Minister and as such shall levy and collect the taxes imposed by this Act upon the purchaser or consumer. <sup>Vendor to be
collector</sup>

8a.—(1) The Minister may in writing authorize any person who is not a vendor or any class of persons who are not vendors to collect, as agent of the Minister, the tax imposed by this Act, and an authorization under this subsection may limit the time during which the authority conferred is exercisable, and may limit the class or type of purchasers or consumers from whom tax may be collected. <sup>Other
collectors
may be
authorized</sup>

(2) Every person who collects tax by virtue of an authorization made under subsection 1 shall be deemed to hold such tax in trust for Her Majesty in right of Ontario, and is responsible for the payment over of such tax in the manner and time provided under this Act and the regulations for the payment over of tax collected by a vendor. <sup>Collector
to be
trustee</sup>

Authorization
may be
revoked

(3) An authorization made under subsection 1 may be revoked with respect to any person to whom the authorization extends, but before any such revocation is made, the person affected shall be afforded an opportunity to appear before the Minister to show cause why the authorization should not be revoked.

Member of
Assembly

(4) No person acting under subsection 1 or under section 8 shall thus be made ineligible as a member of the Assembly.

s. 27 (1),
amended

6. Subsection 1 of section 27 of the said Act is amended by striking out "Every vendor who fails to deliver a return or to remit the tax collectable or payable as and when required shall pay a penalty of" in the first, second and third lines and inserting in lieu thereof "Every vendor who fails to deliver a return as required by this Act and the regulations, or who fails to remit with his return the amount of taxes collectable or payable by him as shown therein, shall pay a penalty of".

s. 35,
re-enacted

7. Section 35 of the said Act is repealed and the following substituted therefor:

Tax not to
be absorbed
by vendors

35. No vendor shall advertise or post or otherwise quote a price that includes the tax imposed by this Act unless he specifies separately the amount of the tax payable under this Act, and no vendor shall hold out or state to the public or to any purchaser, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by such vendor or that it will not be considered as an element in the price to the purchaser or, if added, that it or any part thereof will be refunded.

s. 42 (2),
amended

8. Subsection 2 of section 42 of the said Act is amended by adding thereto the following clauses:

- (i) providing for the payment of interest to persons to whom any rebate of tax is made under clause *e* or *g* and prescribing the rate thereof;
- (j) providing for the payment to vendors of all or any part of money paid as tax where such money was paid by a vendor on behalf of a purchaser who has defaulted in paying to the vendor the tax payable, and prescribing the conditions on which any payment authorized by this clause may be made.

- 9.**—(1) This Act, except section 2, and subsections 1, 2, 5 and 7 of section 4, comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}
- (2) Section 2 and subsections 1, 2, 5 and 7 of section 4 shall ^{Idem} be deemed to have come into force on the 1st day of May, 1973.
- 10.** This Act may be cited as *The Retail Sales Tax Amendment Act, 1973*. ^{Short title}

CHAPTER 24

An Act to amend The Charitable Institutions Act

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *c* of section 1 of *The Charitable Institutions Act*, s. 1 (c),
being chapter 62 of the Revised Statutes of Ontario, 1970,^{amended}
is amended by inserting after “means” in the first line
“all or any part of”.
- (2) Clause *d* of the said section 1, as re-enacted by the^{s. 1 (d),}
Statutes of Ontario, 1972, chapter 61, section 1, is repealed^{re-enacted}
and the following substituted therefor:

(d) “Director” means a Director appointed for the pur-
poses of this Act.
- (3) Clause *g* of the said section 1 is amended by striking^{s. 1 (g),}
out “or” in the second line and inserting after “super-^{amended}
visor” in the second line “or a Director”, and by striking
out “Department of Social and Family Services” in the
third and fourth lines and inserting in lieu thereof
“Ministry of Community and Social Services”.
2. Section 2 of the said Act, as re-enacted by the Statutes of^{s. 2,}
Ontario, 1971, chapter 50, section 16, is amended by striking^{amended}
out “Lieutenant Governor in Council” in the first line and
inserting in lieu thereof “Minister”.
3. Section 3 of the said Act, as re-enacted by the Statutes of^{s. 3,}
Ontario, 1971, chapter 50, section 16 and amended by 1972,^{re-enacted}
chapter 61, section 2, is repealed and the following substituted
therefor:

3.—(1) Subject to section 3a, where the Minister is satisfied^{Approval of}
that all or any part of a building or buildings is suitable^{buildings}
for providing accommodation as a charitable institution in
accordance with this Act and the regulations, he may approve
all or any part of such building or buildings, as the case

may be, as a member of a class of charitable institutions prescribed in the regulations for the maintenance and operation of which assistance may be given under this Act.

Effective
date of
approval

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date that the approval given under section 2 to the corporation maintaining and operating the institution takes effect.

s. 4 (1) (a),
repealed

4.—(1) Clause *a* of subsection 1 of section 4 of the said Act is repealed.

s. 4 (1) (d),
amended

(2) Clause *d* of subsection 1 of the said section 4 is amended by inserting after “building” in the first line “or part thereof”.

s. 4 (1) (e),
amended

(3) Clause *e* of subsection 1 of the said section 4, as amended by the Statutes of Ontario, 1972, chapter 61, section 4, is further amended by inserting after “site” in the first line “or use”.

s. 5 (a),
amended

5.—(1) Clause *a* of section 5 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 61, section 5, is further amended by inserting after “where” in the first line “all or any part of” and by striking out “building or the addition” in the fourth line and in the sixth and seventh lines and inserting in lieu thereof in each instance “charitable institution”.

s. 5 (b),
amended

(2) Clause *b* of the said section 5, as amended by the Statutes of Ontario, 1972, chapter 61, section 5, is further amended by inserting after “where” in the first line “all or any part of” and by striking out “building or the addition” in the third and fourth lines, “building” in the sixth line and “building or the addition” in the tenth and eleventh lines and inserting in lieu thereof in each instance “hostel”.

s. 6,
re-enacted

6. Section 6 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 61, section 6, is repealed and the following substituted therefor:

Grants for
acquisition
of buildings

6. Where,

(a) the acquisition or structural alteration of a building or any part thereof to be used as a charitable institution other than a hostel has been approved by

the Minister under clause *d* or *e*, as the case may be, of subsection 1 of section 4; or

- (*b*) the Minister has approved the renovation of a charitable institution other than a hostel or approved the purchase of furnishings or equipment in connection with an approved charitable institution other than a hostel,

the Minister may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring or operating and maintaining the institution, as the case may be, of an amount equal to the cost to the approved corporation of the acquisition, alteration, renovation or purchase of furnishings or equipment, as the case may be, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the institution at the rate of \$1,200 per bed or such greater amount per bed as is prescribed by the regulations.

7. Section 7 of the said Act, as amended by the Statutes of Ontario, ^{s. 7, re-enacted} 1972, chapter 61, section 7, is repealed and the following substituted therefor:

7. There shall be paid to an approved corporation out of the moneys appropriated therefor by the Legislature an amount equal to 80 per cent or such higher percentage as the regulations prescribe of the cost, computed in accordance with the regulations, ^{Maintenance grants for institutions other than hostels}

- (*a*) of the care and maintenance of each person resident in an approved charitable institution other than a hostel that is maintained and operated by the corporation; or

- (*b*) of residential services approved by the Director provided by or on behalf of the corporation in other than an approved charitable institution.

8. Subsection 1 of section 8 of the said Act is repealed and the ^{s. 8 (1), re-enacted} following substituted therefor:

(1) Every charitable institution, its books and records shall be open at all reasonable times for inspection by a provincial supervisor. ^{Inspection of books of charitable institutions}

(1*a*) Every premises, that is not a charitable institution, ^{Idem} where residential services are provided or where residential services are to be provided for persons placed therein by an approved corporation, shall be open at all reasonable times for inspection by a provincial supervisor.

s. 9 (1),
amended

- 9.**—(1) Subsection 1 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 16, is amended by striking out “by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister” in the second, third and fourth lines and inserting in lieu thereof “or revoked by the Minister”.

s. 9 (2),
amended

- (2) Subsection 2 of the said section 9 is amended by striking out “before recommending to the Lieutenant Governor in Council revocation of” in the fourth and fifth lines and inserting in lieu thereof “revoking” and by striking out “Department of Social and Family Services” in the ninth and tenth lines and inserting in lieu thereof “Ministry of Community and Social Services”.

s. 9 (5),
amended

- (3) Subsection 5 of the said section 9 is amended by striking out “recommend revocation of” in the third line and inserting in lieu thereof “revoke”.

s. 10 (a),
re-enacted

- 10.**—(1) Clause *a* of section 10 of the said Act is repealed and the following substituted therefor:

(a) exempting designated approved corporations or charitable institutions from specified provisions of the Act or the regulations.

s. 10 (b),
amended

- (2) Clause *b* of the said section 10, as re-enacted by the Statutes of Ontario, 1972, chapter 61, section 9, is amended by striking out “specified” in the first line and in the seventh line.

s. 10 (c),
amended

- (3) Clause *c* of the said section 10 is amended by striking out “or specified charitable institutions” in the second and third lines.

s. 10 (g),
re-enacted

- (4) Clause *g* of the said section 10, as amended by the Statutes of Ontario, 1972, chapter 61, section 9, is repealed and the following substituted therefor:

(g) prescribing the manner of computing the cost to approved corporations, and prescribing classes of payments and a greater amount per bed in determining the amount of a payment or any class or classes of payment for the purposes of sections 5 and 6.

s. 10 (h),
re-enacted

- (5) Clause *h* of the said section 10, as re-enacted by the Statutes of Ontario, 1972, chapter 61, section 9, is repealed and the following substituted therefor:

(h) for the purposes of section 7, prescribing the manner of computing the cost of care and maintenance in a charitable institution other than a hostel, and the cost of residential services provided in other than an approved charitable institution, prescribing classes of payments and a higher percentage in respect of the cost for the purpose of determining the amount of a payment or a class or classes of payment, and prescribing the maximum amounts of the cost to which Ontario may contribute.

(6) The said section 10, as amended by the Statutes of Ontario, ^{s. 10, amended} 1971, chapter 50, section 16 and 1972, chapter 61, section 9, is further amended by adding thereto the following clause:

(he) for the purposes of section 7, prescribing the terms and conditions upon which the Director may approve the provision of residential services by or on behalf of an approved corporation in other than an approved charitable institution, the classes or levels of such services, the services, items and amenities to be provided in connection therewith, and the maximum amounts that may be charged persons in receipt of the residential services.

- 11.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 12.** This Act may be cited as *The Charitable Institutions Amendment Act, 1973*. Short title

CHAPTER 25

An Act to control the Use of Pesticides*Assented to May 18th, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

1. "air" means open air not enclosed in a building, structure, machine, chimney, stack, flue or vehicle;
2. "Board" means the Pesticides Appeal Board;
3. "Committee" means the Pesticides Advisory Committee;
4. "Director" means the officer of the Ministry designated by the Minister to perform the functions of the Director under this Act;
5. "environment" means the natural environment, a building, structure, machine and vehicle, or any of them;
6. "extermination" means a land extermination, structural extermination or a water extermination;
7. "extermination business" means an activity or enterprise carried on for the purpose of causing an extermination or exterminations to be performed for fee or payment;
8. "exterminator" means a person who, by himself or by his employees, assistants or agents, performs or enters into a contract to perform an extermination;
9. "land" means surface land not enclosed in a building or structure, land covered by water and all subsoil, or any combination or part thereof;

10. "land extermination" means the destruction, prevention or control in, on or over land of a pest or pests by the use of a pesticide but does not include a structural extermination, a water extermination or the destruction, prevention or control of termites;
11. "licence" means a licence issued under this Act and the regulations;
12. "licensee" means a person who is the holder of a licence under this Act;
13. "Minister" means the Minister of the Environment;
14. "Ministry" means the Ministry of the Environment;
15. "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;
16. "operator" means a person who has the control and management of an extermination business, and "operate" has a corresponding meaning;
17. "permittee" means a person who is the holder of a permit under this Act;
18. "person" includes a municipality, a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
19. "person responsible", when used with reference to a pesticide, substance or thing, means,
 - (i) the owner,
 - (ii) the person having the charge, management or control of the handling, storage, use, disposal, transportation or display, or
 - (iii) the person having the charge, management or control,of the pesticide, substance or thing;
20. "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;

21. "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act* <sup>R.S.C. 1970,
c. P-10</sup> (Canada);
22. "prescribed" means prescribed by the regulations;
23. "provincial officer" means a person who is designated under section 17;
24. "regulations" means the regulations made under this Act;
25. "structural extermination" means the destruction, prevention or control of a pest that may adversely affect a building, structure, machine, vehicle or their contents or the use or enjoyment thereof by any person by the use of a pesticide in, on or in the vicinity of the building, structure, machine or vehicle and includes the destruction, prevention or control of termites;
26. "water" means surface water and ground water, or either of them;
27. "water extermination" means the destruction, prevention or control in, on or over surface water of a pest by the use of a pesticide. R.S.O. 1970, c. 346, s. 1, *amended*.

2. The Minister, for the purpose of the administration of this Act and the regulations, may, <sup>Powers and
duties of
Minister</sup>

- (a) investigate problems relating to pesticides and the control of pests;
- (b) conduct research relating to pesticides and the control of pests;
- (c) conduct studies of the effect of pesticides and the control of pests on the quality of the environment;
- (d) convene conferences and conduct seminars and educational programs relating to pesticides and the control of pests;

- (e) gather, publish and disseminate information relating to pesticides and the control of pests;
- (f) make grants and loans for research related to pesticides and the control of pests in such amounts and upon such terms and conditions as the regulations may prescribe;
- (g) appoint committees to perform such advisory functions as the Minister considers requisite;
- (h) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to pesticides or the control of pests. *New.*

Prohibition

3. No person, whether acting or not acting under the authority of a licence or permit under this Act or an exemption under the regulations, shall deposit, add, emit or discharge or cause or permit the deposit, addition, emission or discharge of a pesticide or of any substance or thing containing a pesticide into the environment that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it greater than the impairment, if any, for such use that would necessarily result from the proper use of the pesticide;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life greater than the injury or damage, if any, that would necessarily result from the proper use of the pesticide;
- (c) causes or is likely to cause harm or material discomfort to any person greater than the harm or material discomfort, if any, that would necessarily result from the proper use of the pesticide;
- (d) adversely affects or is likely to affect adversely the health of any person to a greater degree than the adverse effect, if any, that would necessarily result from the proper use of the pesticide;
- (e) impairs or is likely to impair the safety of any person to a greater degree than the impairment, if any, of the safety of any person that would necessarily result from the proper use of the pesticide; or

- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man to a degree greater than the unfitness, if any, that would necessarily result from the proper use of the pesticide. *New.*

4.—(1) No person shall engage in, perform or offer to perform an extermination except under and in accordance with a licence of a prescribed class and except by the use of a pesticide of a class and under the conditions for use prescribed for that class of licence or unless exempt under the regulations. Prohibition as to exterminations

(2) No person shall operate an extermination business except under and in accordance with a licence of a prescribed class or unless exempt under the regulations. Licence required to operate extermination business

(3) No person shall serve for a period of more than six months as an assistant to the holder of a licence to perform structural exterminations unless the person is licensed as an assistant exterminator or is exempt under the regulations. Idem, assistant structural exterminator

(4) No person shall serve for a period of more than seven days as an assistant to the holder of a licence to perform land exterminations or water exterminations unless the holder of the licence to perform the exterminations notifies the Director in writing or the person is exempt under the regulations. R.S.O. 1970, c. 346, s. 2, *amended*. Notice as to assistants to land exterminators or water exterminators

5. Unless exempt by the regulations, no person shall sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under and in accordance with a licence that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred. *New.* Licence to sell, offer to sell or transfer

6.—(1) No person shall perform a land extermination or a structural extermination, Where permit required

(a) by means of a pesticide;

(b) by means of a pesticide of a class; or

(c) under the conditions of use,

prescribed for the purpose of this section unless he is the holder of a permit for the land extermination or the structural extermination issued by the Director or he is exempt under the regulations.

Idem (2) No person shall perform a water extermination unless he is the holder of a permit issued by the Director for the water extermination or he is exempt under the regulations.
New.

Responsi-
bility for
acts or
omissions 7. For the purpose of this Act and the regulations, every person is, with respect to any matter under this Act and the regulations, responsible for the acts or omissions of his employees and agents within the scope of their actual or apparent authority. R.S.O. 1970, c. 346, s. 3, *amended*.

Liability
insurance 8. An operator shall insure against liability or furnish a bond as provided for by the regulations. R.S.O. 1970, c. 346, s. 4.

Advisory
Committee 9.—(1) The Committee known as the Pesticides Advisory Committee established under *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970, and consisting of not fewer than ten members appointed by the Lieutenant Governor in Council one of whom may be designated by the Lieutenant Governor in Council as chairman and for whom the Lieutenant Governor in Council may appoint a person who is not a member as secretary, is continued.

Quorum (2) Six members of the Committee constitute a quorum.

Functions (3) The Committee shall,

(a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;

(b) inquire into and consider any matter the Committee considers advisable concerning pesticides and the control of pests, and any matter concerning pesticides and the control of pests referred to it by the Minister, and report thereon to the Minister;

(c) review publications of the Government of Ontario respecting pesticides and the control of pests, and report thereon to the Minister; and

(d) perform such other functions as the regulations prescribe. R.S.O. 1970, c. 346, s. 5, *amended*.

Issuance
of licence
or permit 10.—(1) Subject to subsection 2, the Director shall issue or renew a licence under section 4 or 5, and subject to subsection 3, the Director shall issue a permit under section 6 to any person who applies for the licence or permit, as the case may be, in accordance with the regulations and who meets

the requirements of this Act and the regulations for the particular class of licence or for the permit applied for and who pays the fee prescribed for the licence or permit.

(2) Subject to section 13, the Director may refuse to issue ^{Revocation and refusal of licence} or renew a licence or may suspend or revoke a licence where, in the opinion of the Director,

- (a) the applicant or licensee is in contravention of this Act or the regulations;
- (b) the licensee is in breach of any term or condition of the licence;
- (c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the activity that would be or is authorized by the licence;
- (d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the activity that would be or is authorized by the licence will not be carried on with honesty and integrity;
- (e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the activity authorized by the licence in accordance with this Act, the regulations and the licence;
- (f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act, the regulations and the licence;
- (g) the licensee has been grossly negligent in carrying on the activity that is authorized by the licence; or
- (h) the licensee has fraudulently misrepresented his services in performing an extermination or in carrying on an extermination business. 1971, c. 50, s. 66 (2), *part, amended*.

(3) The Director may refuse to issue or may cancel a permit, ^{Revocation and refusal of permit} may impose terms and conditions in issuing or after issuing a permit and may alter the terms and conditions of a permit that has been issued where the Director is of the opinion, upon reasonable and probable grounds, that,

- (a) the applicant or permittee is not competent to perform the extermination for which the permit is required;
- (b) the applicant or permittee does not possess or will not have available all facilities and equipment necessary to perform the extermination in accordance with this Act, the regulations and the permit;
- (c) there is or is likely to be danger to the health or safety of any person;
- (d) there is or is likely to be harm or material discomfort to any person;
- (e) there is or is likely to be impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (f) there is or is likely to be injury or damage to any property or to plant or animal life;
- (g) any property or plant or animal life is or is likely to be rendered, directly or indirectly, unfit for use by man;
- (h) a different method of control or extermination will or will likely be substantially as effective as the proposed extermination for which a permit is required under section 6 and will or will likely cause less impairment of the environment, if any, for any use that is being or is likely to be made of it or less harm to or adverse effect, if any, on any plant or animal life, man or property; or
- (i) the use of the pesticide will not be or will not likely be effective or necessary to carry out the extermination. *New.*

Term of
licence

11. A licence expires on the 15th day of February in the year next following the year in which it was issued. 1971, c. 50, s. 66 (2), *part, amended.*

Pesticides
Appeal
Board

12.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than seven members, to be known as the Pesticides Appeal Board who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Ministry.

(2) The Lieutenant Governor in Council may appoint one of ^{Chairman} the members of the Board as chairman.

(3) Four members of the Board constitute a quorum. ^{Quorum}

(4) Such employees as are required for the purposes of the ^{Appointment of staff} Board may be appointed under *The Public Service Act*. ^{New. R.S.O. 1970, c. 386}

13.—(1) Where the Director proposes,

(a) to refuse to issue or renew a licence;

(b) to suspend or revoke a licence; or

(c) to make, amend or vary a control order,

^{Proposal to refuse to issue licence, etc.}

he shall serve notice of his proposal, together with written reasons therefor, on the applicant, licensee or person to whom the Director intends to direct the control order.

(2) A notice under subsection 1 shall inform the applicant, ^{Notice} licensee or person to whom the Director intends to direct the control order that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

(3) Where an applicant, licensee or person to whom the Director intends to direct the control order does not require ^{Powers of Director where no hearing} a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant, licensee or person to whom the Director intends to direct the control order requires a hearing ^{Powers of Board where hearing} by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

(5) The Board may extend the time for the giving of notice ^{Extension of time for requiring hearing} requiring a hearing by an applicant, licensee or person to whom the Director intends to direct a control order referred to in subsection 1, either before or after the expiration of such time, where it is satisfied that there are reasonable grounds

for applying for the extension and that there are *prima facie* grounds for granting relief to the applicant, licensee or person to whom the Director intends to direct the control order referred to in subsection 1, and the Board may give such directions as it considers proper consequent upon the extension.

Continuation
of licence
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 50, s. 66 (3), *part*.

Emergency
notice

(7) Notwithstanding subsection 6, where the Director is of the opinion that an emergency exists by reason of,

(a) danger to the safety or health of any person;

(b) impairment or immediate risk of impairment of the environment for any use that is being or is likely to be made of it;

(c) injury or damage or immediate risk of injury or damage to property, or to plant or animal life;

(d) the rendering or immediate risk of rendering, directly or indirectly, of any property or plant or animal life unfit for use by man; or

(e) a failure by a licensee to have in force insurance against liability or to furnish or have in force a bond as required by section 8,

the Director, by a notice to a licensee or to a person to whom the Director intends to direct a control order, together with written reasons therefor, may refuse to renew, suspend or revoke a licence or make, amend or vary a control order and, notwithstanding that the licensee or person to whom the control order is directed requires a hearing by the Board, the licence shall not be deemed to continue or the suspension, revocation or the making, amendment or variation of the control order is effective upon the service of the notice, as the case requires.

(8) Where the Director refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued, he shall forthwith thereafter serve or cause to be served notice of his decision, upon the applicant or permittee, together with written reasons therefor. Where permit cancelled or terms or conditions imposed or altered

(9) Where the Director issues a permit subject to a term or condition, refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued and the applicant or permittee makes submissions to the Director, the Director, within three days after receiving the submissions, shall reconsider and vary, rescind or confirm his decision and shall serve or cause to be served notice of such variance, rescission or confirmation upon the applicant or permittee together with written reasons therefor and where the Director varies or rescinds his decision, he shall take such action as may be necessary to make the variation or rescission effective. Reconsideration

(10) A permit issued by the Director subject to a term or condition and a notice under subsection 8 shall inform the applicant or permittee that he is entitled to make submissions to the Director, in person or by an agent and by telephone or otherwise and that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 9 is served on him, notice in writing requiring a hearing and he may so make such submissions and so require such a hearing. Notice

(11) Notwithstanding the making of submissions by an applicant or a permittee pursuant to subsection 10, the issuance of a permit subject to a term or condition or the cancellation of a permit or the imposition or alteration of a term or condition in a permit that has been issued by the Director is effective upon the issuance of the permit or upon the service of the notice under subsection 8. Effect of service of notice

(12) Subsections 4 and 5 apply *mutatis mutandis* to a hearing by the Board required under subsection 10. 1971, c. 50, s. 66 (3), *part, amended*. Application of subss. 4, 5.

14.—(1) The Director, the applicant, licensee, permittee or person to whom the Director intends to direct a control order who has required a hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 13. Parties

(2) Notice of a hearing under section 13 shall afford to the applicant, licensee, permittee or person to whom the Director intends to direct a control order a reasonable Notice of hearing

opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or permit or to take such action as will preclude the necessity for making, amending or varying the control order.

Examination
of docu-
mentary
evidence

(3) An applicant, licensee, permittee or person to whom the Director intends to direct a control order who is a party to proceedings under section 13 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing
not to
have taken
part in
investigation,
etc.

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording of
evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members
at hearing
to participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1971, c. 50, s. 66 (3), *part, amended*.

Appeal
to court

15.—(1) Any party to proceedings before the Board may appeal from its decision or order on a question of law to the Supreme Court in accordance with the rules of court.

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under subsection 1. Minister entitled to be heard

(4) Any party to a hearing before the Board, within thirty days after receipt of the decision of the Board or within thirty days after final disposition of an appeal, if any, under subsection 1, may appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest. 1971, c. 50, s. 66 (3), *part, amended*. Appeal to Minister

16.—(1) No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. R.S.O. 1970, c. 346, s. 15. Protection from personal liability

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1971, c. 50, s. 66 (4). Crown not relieved of liability R.S.O. 1970, c. 365

17.—(1) The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of this Act and the regulations. Provincial officers

(2) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts, and the Crown is liable for any damage or actual costs occasioned thereby. Powers of provincial officer

Order
authorizing
entry

(3) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions that are mentioned in subsection 2, but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time.

Information

(4) Every person responsible for a pesticide or for a substance or thing containing a pesticide that is the subject of an investigation by a provincial officer, and every person who assists such a person, shall furnish such information as the provincial officer requires for the purpose of the investigation.

Obstruction
of provincial
officer

(5) No person who is responsible for a pesticide or for a substance or thing containing a pesticide or who assists such a person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information. *New.*

Calling for
assistance of
member of
police force

18. Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. *New.*

Matters
confidential

19. Except as to information in respect of,

- (a) impairment or potential impairment of the quality of the environment for any use that can be made of it; or
- (b) harm or potential harm to or an adverse effect on any person, living thing or any property,

arising from or likely to arise from the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, every provincial officer shall preserve secrecy in respect of all matters that

come to his knowledge in the course of an examination, test or inquiry of or into any matter under this Act or the regulations and shall not communicate any such matter to any person except,

- (c) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (d) to his counsel; or
- (e) with the consent of the person who is responsible for the handling, storage, use, disposal, transportation or display of the pesticide, substance or thing. *New.*

20.—(1) Where the Director or a provincial officer is of the ^{Stop order} opinion, upon reasonable and probable grounds, that an emergency exists by reason of,

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life; or
- (d) the rendering or the immediate risk of rendering, directly or indirectly, any property or plant or animal life unfit for use by man,

consequent upon the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, the Director or provincial officer, as the case may be, may make an oral or written stop order directed to the person responsible for the pesticide or the substance or thing containing the pesticide ordering such person to stop immediately the handling, storage, use, disposal, transportation or display of the pesticide or the substance or thing containing the pesticide either permanently or for a specific period of time. 1971, c. 50, s. 66 (7), *amended*.

(2) A person who is affected by a stop order made by a provincial officer under subsection 1 may ^{Immediate appeal} appeal therefrom in person or by an agent and by telephone or otherwise to the Director and the Director, after receiving the submissions of the person and of the provincial officer, shall vary, rescind or confirm the stop order of the provincial officer. R.S.O. 1970, c. 346, s. 20, *amended*.

Written
reasons
for order

(3) Where the Director makes a stop order or varies or confirms a stop order pursuant to subsection 2, the Director shall forthwith thereafter serve or cause to be served a written copy of the stop order or a written copy of the stop order as varied or confirmed, as the case requires, together with written reasons therefor, upon the person to whom the stop order or the stop order as varied or confirmed is directed.

Notice

(4) A stop order, or a stop order as varied or confirmed, under subsection 3 shall inform the person to whom it is directed that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after a copy of the stop order, or the stop order as varied or confirmed, under subsection 3, is served on him, notice in writing requiring a hearing and he may so require such a hearing. *New.*

Effect of
stop order

(5) Notwithstanding that an appeal is taken against a stop order, the stop order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, varied or rescinded on appeal and such person shall comply with the stop order immediately. 1971, c. 50, s. 66 (8), *amended.*

Appeal to
Board

(6) Where the Director has made a stop order or has varied or confirmed upon appeal to the Director a stop order made by a provincial officer, any person to whom the order is directed may, by written notice mailed to or served upon the Director and the Board within fifteen days after service upon him of a copy of the stop order or of the stop order as varied or confirmed, as the case requires, require a hearing by the Board.

Powers of
Board where
hearing

(7) Where a person to whom a stop order is directed requires a hearing by the Board in accordance with subsection 6, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order of the Director and for such purposes the Board may substitute its opinion for that of the Director.

Parties

(8) The Director, the person who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this section.

Application
of ss. 13 (5),
14 (2-8) and 15

(9) Subsection 5 of section 13, subsections 2, 3, 4, 5, 6, 7 and 8 of section 14 and section 15 apply *mutatis mutandis* to proceedings under this section.

Revocation of
stop order

(10) The Director, by an order, may rescind a stop order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the stop order was directed. *New.*

21.—(1) Where the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, Control order

- (a) causes or is likely to cause impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to affect adversely the health of any person;
- (e) impairs or is likely to impair the safety of any person;
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

the Director, subject to section 13, may make a control order directed to the person responsible for the pesticide or the substance or thing containing the pesticide.

(2) The Director, in a control order, may order the person to whom the order is directed to, Content of control order

- (a) limit or control the rate of deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment in accordance with the directions set out in the order;
- (b) stop the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment,
 - (i) permanently,
 - (ii) for a specified period of time, or
 - (iii) in the circumstances set out in the order; and
- (c) comply with any directions set out in the order relating to the manner in which a pesticide or a substance or thing containing a pesticide or the container of either of them may be handled, stored, used, disposed of, transported or displayed.

Amendment
of control
order

(3) The Director, under any of the circumstances set out in subsection 1 and in accordance with subsection 2, by a further order, may amend or vary a control order and sections 13, 14 and 15 apply *mutatis mutandis*.

Revocation of
control order

(4) The Director, by an order, may rescind a control order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the control order was directed. *New*.

When
Director to
be notified

22. Every person who deposits, adds, emits or discharges a pesticide or a substance or thing containing a pesticide in or into the environment out of the normal course of events that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

shall forthwith notify the Director. *New*.

Minister
may order
repair of
damage

23.—(1) Where any person deposits, adds, emits or discharges or causes or permits the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide that causes or is likely to cause injury or damage to or impairment of,

- (a) the quality of the environment for any use that is being or is likely to be made of it;
- (b) any property or water;
- (c) plant or animal life; or
- (d) a person,

the Minister, where he is of the opinion that it is in the public interest to do so, may order the person responsible for the pesticide or the substance or thing containing the pesticide to do all things and take all steps within such time or times as may be specified in the order for the purpose of preventing or repairing, as the case requires, such injury or damage or impairment or to restore such quality.

(2) Every person responsible for a pesticide or a substance or thing containing a pesticide shall take such measures ^{Cleaning and decontamination} and do such things within such time or times with respect to the cleaning and decontamination of the environment, or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder as may be prescribed.

(3) No person shall use the environment or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder unless the cleaning and decontamination thereof has been completed in the prescribed manner or has been approved by the Director in writing. *New.*

24.—(1) An order of the Minister, the Director or a provincial officer under this Act is binding upon the successor or assignee of the person to whom it is directed. ^{Order binds successor or assignee}

(2) The Ministry shall maintain an alphabetical index record ^{Index record} of the names of all persons to whom orders are directed under this Act.

(3) When an order has expired or is rescinded, the Ministry shall remove from the index record the name of the person ^{Removal of name from index record} to whom the order is directed.

(4) The Ministry shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order relating to that person. *New.* ^{Search of index record}

25. This Act binds the Crown. *New.*

The Crown

26. A licence or a permit under this Act is not transferable. *New.* ^{Licences or permits not transferable}

27. Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant for a licence issued by the Director pursuant to section 5 or the holder ^{Exemption}

of such a licence from any provision of the regulations and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, or alter or revoke the terms and conditions, as the Director considers necessary. *New.*

Regulations

28. The Lieutenant Governor in Council may make regulations,

1. prescribing classes of licences and the requirements for licences and renewals ;
2. exempting any person or class of persons from this Act or the regulations or any provision thereof and prescribing terms and conditions attaching to any such exemption ;
3. providing for the issue and renewal of licences and prescribing fees therefor ;
4. providing for the issue of permits, prescribing fees therefor and the requirements therefor ;
5. prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers of a pesticide are or will be made that shall attach to any class of licence ;
6. providing for the examination of applicants for permits and licences and renewals of licences, and prescribing fees for such examinations ;
7. providing for the appointment of examiners for applicants for licences and permits, the period for which such appointments may be made and the remuneration of examiners ;
8. requiring applicants for licences to undergo medical examinations ;
9. prescribing the procedures, conditions and notices for exterminations and for the airing out of buildings, structures and vehicles ;
10. fixing the amount and type of insurance or bond that shall be carried or furnished by operators and prescribing the form, requirements and terms thereof ;
11. prescribing pesticides, classes of pesticides and conditions of use for the purpose of section 6 ;

12. prescribing that a type or class of structural extermination may be deemed a land extermination and prescribing that a type or class of land extermination may be deemed a structural extermination for the purpose of this Act and the regulations;
13. permitting any class of operator or exterminator to perform or to undertake to perform any extermination for which the members of the class are not licensed and prescribing the conditions that shall attach to the permission;
14. exempting any machine, apparatus, equipment, or class thereof, from this Act or the regulations, or any provision thereof;
15. exempting any type or class of building, vehicle or structure from this Act or the regulations or any provision thereof;
16. excluding any land or water from the operation of this Act or the regulations or any provision thereof;
17. regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
18. governing the signs, marking or other identification of vehicles or machines used in exterminations;
19. regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing out;
20. prescribing functions, practices and procedures, tenure of office and remuneration of the Committee;
21. providing for the remuneration and expenses of members of the Pesticides Appeal Board;
22. prescribing forms and providing for their use for the purposes of this Act;
23. governing, regulating or prohibiting the use, handling, storage, display or disposal of pesticides;
24. classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;

25. prohibiting the holders of any class of licence from using any designated pesticide or class of pesticides;
26. regulating the type of containers and the labelling of containers for pesticides, other than the containers in which pesticides are sold or offered for sale;
27. regulating the disposal of containers of pesticides;
28. prescribing the records to be kept and returns to be made by licensees;
29. exempting any plant or animal life, organism, substance or thing or any class of any of them or any quantity or concentration of any organism or substance from this Act or the regulations or any provision thereof;
30. respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred;
31. regulating and controlling, for the purpose of preventing or reducing the contamination by pesticides of the environment, property, plant or animal life, or of any person, the transportation of any designated pesticide or class of pesticides by any vehicle operated on any highway or road or the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodities by a vehicle operated on any highway or road;
32. prohibiting the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodity by a vehicle operated on any highway or road;
33. prescribing the records to be kept by persons responsible for the transportation of any designated pesticide or class of pesticides by a vehicle operated on a highway or road;
34. requiring, regulating or prohibiting the removal or disposal of any substance or thing that has come into contact with any pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder;
35. requiring and prescribing measures to be taken and things to be done with respect to the cleaning and decontamination of the environment or any plant

or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder and the time or times within which such measures shall be taken and things done. R.S.O. 1970, c. 346, s. 21; 1971, c. 50, s. 66 (9, 10), *amended*.

29.—(1) Any regulation may be general or particular in its application and may be limited as to time or place or both. Scope of regulations

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, formula, standard or procedure so adopted. *New*. Adoption of codes in regulations

30. The Minister may charge and collect such fees as he considers proper for all copies of pamphlets, brochures, documents, maps, plans or drawings supplied by the Ministry. *New*. Fees for copies

31.—(1) Any notice, order, decision or other document required to be given, served or delivered under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is required to be given, served or delivered at the latest address for service appearing on the records of the Ministry or, where there is no address for service so appearing, at the address, if any, last known to the Director. Service

(2) Where service is made by registered mail pursuant to subsection 1, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice, order, decision or other document until a later date. 1971, c. 50, s. 66 (3), *part*, *amended*. When service deemed made

32. Where the Minister or the Director has authority to order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person. *New*. Enforcement of performance of things required to be done

False
information

33. No person shall give false information in any application, return or statement made to the Minister, the Director or any other officer of the Ministry in respect of any matter under this Act or the regulations. *New.*

Offence

34. Every person, whether as principal or employer or as agent or employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or a term or condition of a licence or permit made or issued under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 for every day or part thereof upon which the offence occurs or continues and upon a second or subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which the offence occurs or continues. R.S.O. 1970, c. 346, s. 22, *amended.*

Multiple
information

35. An information in respect of any matter under this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. *New.*

Certificates,
etc., as
evidence

36. In any prosecution, proceeding or hearing under this Act or the regulations, the production of,

- (a) a certificate or report of an analyst in the employ of the Crown in right of Ontario designated by the Minister as to the analysis, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas or any combination of them; or
- (b) a notice, licence, permit, order, certificate, consent or approval purporting to be signed by the Minister or the Director, or any certified copy thereof,

is *prima facie* evidence of the facts stated therein and of the authority of the person making the report, notice, licence, permit, order, certificate, consent or approval without any proof of appointment or signature. *New.*

Proceedings
to prohibit
continuation
or repetition
of contra-
vention

37.—(1) Where any provision of this Act or the regulations or any direction, order, licence or permit made, served, delivered or issued by the Minister or the Director under this Act is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the

court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person against whom an order has been made under subsection 1 may apply to a judge of the Supreme Court for an order varying or rescinding such order. Rescission or variation of order
New.

38. Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to pesticides and the control of pests, the provision of this Act or the regulations shall prevail. Conflict
New.

39. Every application, examination, licence, permit, order, regulation, prosecution, proceeding or hearing that is made, taken or deemed to be in effect under Part VI of *The Environmental Protection Act, 1971* and under *The Pesticides Act* shall continue to subsist and shall be deemed to be in effect under this Act in accordance with the terms thereof or until amended or revoked under this Act or the regulations. Applications, etc., deemed under this Act 1971, c. 86 R.S.O. 1970, c. 346
New.

40. The following are repealed:

Repeals

1. *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970.
2. Section 66 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
3. Section 71 of *The Government Reorganization Act, 1972*, being chapter 1.

41. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

42. This Act may be cited as *The Pesticides Act, 1973*.

Short title

CHAPTER 26

An Act to amend The Assessment Act

*Assented to May 18th, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 2 of section 3 of *The Assessment Act*, being ^{s. 3, par. 2, amended} chapter 32 of the Revised Statutes of Ontario, 1970, is amended by striking out “but not if occupied by a person who is not a member of a band or body of Indians” in the first, second and third lines.
- (2) The said section 3, as amended by the Statutes of Ontario, ^{s. 3, amended} 1971, chapter 79, section 2, is further amended by adding thereto the following paragraph:
 20. All the machinery, plant and appliances, wherever ^{Certain property of telephone and telegraph companies} situate, and all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water so long as such machinery, plant, appliances or structures are used by any telephone or telegraph company in connection with and as part of the operations of its telephone or telegraph business, and in this paragraph “telegraph company” includes a person or association of persons owning, controlling or operating a telegraph system or line, but does not include a municipal corporation owning, controlling or operating a telegraph system or line.
2. Section 23 of the said Act, as re-enacted by the Statutes of ^{s. 23, amended} Ontario, 1972, chapter 125, section 6, is amended by striking out “second Tuesday of October” in the third and fourth lines and inserting in lieu thereof “30th day of September”.
3. The said Act is amended by adding thereto the following section: ^{s. 23a, enacted}
 - 23a. The Lieutenant Governor in Council may by regulation require that, in any part of Ontario where a census under ^{Alternative period for taking of census} section 23 is to be taken, the census, instead of being taken

during the period provided for in section 23, shall be taken during such other period in the year as is specified in the regulation.

s. 26 (2),
repealed

4.—(1) Subsection 2 of section 26 of the said Act is repealed.

s. 26 (3),
amended

(2) Subsection 3 of the said section 26 is amended by striking out “or 2” in the second line and by striking out “and the band or body of Indians for which it is held in trust or any member thereof” in the fourth and fifth lines.

s. 27 (5),
amended

5. Subsection 5 of section 27 of the said Act is amended by adding at the end thereof “but this subsection does not apply to prevent a different assessment of any farm lands in any year in which a different assessment generally is made of lands in the municipality in which the farm lands are situated”.

s. 28
(1, 4-6, 8-11),
repealed

6. Subsection 1, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 4, and subsections 4, 5, 6, 8, 9, 10 and 11 of section 28 of the said Act are repealed.

s. 33 (10),
amended

7. Subsection 10 of section 33 of the said Act is amended by inserting after “lands” in the second line “other than lands held in trust for a band or body of Indians”.

s. 55 (6),
amended

8. Subsection 6 of section 55 of the said Act is amended by striking out “in the book referred to in section 50” in the second line.

Commence-
ment

9.—(1) This Act, except sections 1, 2, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 5 and 7 shall be deemed to have come into force on the 1st day of January, 1973.

Idem

(3) Section 6 shall be deemed to have come into force on the 1st day of May, 1973.

Idem

(4) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Assessment Amendment Act, 1973*.

CHAPTER 27

An Act to amend The Homes for the Aged and Rest Homes Act

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970; is repealed and the following substituted therefor:
 - (b) “Director” means a Director appointed as such for the purposes of this Act.
- (2) Clause *c* of section 1 of the said Act is amended by striking out “and” in the first line and inserting in lieu thereof “or”. s. 1 (c),
amended
- (3) Clause *h* of the said section 1 is repealed. s. 1 (h),
repealed
- (4) Clause *i* of the said section 1 is repealed and the following substituted therefor: s. 1 (i),
re-enacted
 - (i) “provincial supervisor” means a regional welfare administrator, a homes for the aged branch consultant or supervisor, a field worker or any other employee of the Ministry of Community and Social Services who is designated as such for the purposes of this Act.
- 2.—(1) Subsection 1 of section 8 of the said Act is amended by striking out “may” in the third line and inserting in lieu thereof “shall”. s. 8 (1),
amended
- (2) Subsection 2 of the said section 8 is repealed and the following substituted therefor: s. 8 (2),
re-enacted
 - (2) The composition of a committee of management and the qualifications and term of office of the members thereof shall be as prescribed by the regulations. composition

s. 9 (1),
re-enacted

- 3.**—(1) Subsection 1 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 62, section 1, is repealed and the following substituted therefor:

Board of
management
established

(1) A board of management shall be established which shall be a corporation for any home established and maintained by a band under section 5 or in a territorial district under section 6.

s. 9 (2),
re-enacted

- (2) Subsection 2 of the said section 9 is repealed and the following substituted therefor:

composition

(2) The composition of each board of management and the qualifications and term of office of the members, including appointments to those boards by councils of municipalities, shall be as prescribed by the regulations.

s. 9 (3),
repealed

- (3) Subsection 3 of the said section 9 is repealed.

s. 10,
amended

- 4.** Section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 148, section 4, is further amended by inserting after "agreement" in the fourth line "approved by the Director".

s. 11a,
amended

- 5.** Section 11a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 99, section 1, is amended by striking out "or" in the fourth line and by inserting after "home" in the fourth line "or the board of management of a home, as the case may be".

s. 19 (1),
re-enacted

- 6.**—(1) Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Residential
services
provided

(1) A municipality maintaining a home, the municipalities maintaining a joint home, or the board of management of a home, as the case may be, may, upon recommendation of the administrator of the home, provide residential services approved by the Director in other than a home or joint home for any person admissible to the home or joint home.

s. 19 (2),
re-enacted

- (2) Subsection 2 of the said section 19, as amended by the Statutes of Ontario, 1972, chapter 62, section 6, is repealed and the following substituted therefor:

Province
to share
cost

(2) There shall be paid monthly to the municipality, municipalities or the board of management, as the case may be, providing residential services under subsection 1, out of moneys appropriated therefor by the Legislature, an amount computed in the manner prescribed by the regulations towards the cost of providing the services.

- (3) Subsection 3 of the said section 19 is amended by striking out "placed in private-home care" in the first line and inserting in lieu thereof "receiving residential services in other than a home or joint home under subsection 1". s. 19 (3), amended
- (4) Subsection 4 of the said section 19 is repealed and the following substituted therefor: s. 19 (4), re-enacted
- (4) A person receiving residential services in other than a home or joint home under subsection 1 shall be deemed a resident of the home or joint home, and section 16 applies *mutatis mutandis* in determining his eligibility for the residential services. Person considered a resident of the home
7. Section 20 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 7, is further amended by adding thereto the following subsection: s. 20, amended
- (2) Every premises that is not a home or joint home where residential services are provided or where residential services are to be provided in accordance with section 19 shall be open at all reasonable times for inspection by the Director, a provincial supervisor or by a person appointed by the council of the municipality or board of management providing the services. Inspection of premises
8. Section 21 of the said Act is amended by striking out "Department of Social and Family Services" in the fifth and sixth lines and in the sixth and seventh lines and inserting in lieu thereof in each instance "Ministry of Community and Social Services". s. 21, amended
9. Subsection 4 of section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 11, is further amended by striking out "but the cost of any land in excess of eight acres and the cost of any barns or other similar out-buildings shall not be included" in the fourth, fifth and sixth lines. s. 27 (4), amended
- 10.—(1) Clause *l* of subsection 1 of section 30 of the said Act is amended by inserting after "27" in the third line "and prescribing classes of payments". s. 30 (1) (l), amended
- (2) Clauses *n*, *o*, *p*, *q*, and clause *r* as amended by the Statutes of Ontario, 1972, chapter 148, section 8, of subsection 1 of the said section 30 are repealed and the following substituted therefor: s. 30 (1) (n-r), re-enacted
- (*n*) prescribing the terms and conditions upon which the Director may approve the provision of residential services in other than a home or joint home, the

classes or levels of such services, the services, items and amenities to be provided in connection therewith and the maximum amounts that may be charged to persons in receipt thereof for the purposes of section 19;

- (o) prescribing the frequency and manner of inspection of premises other than a home or joint home by a representative of a municipality or board of management for the purposes of section 20;
- (p) prescribing the manner of computing the amount to be paid by Ontario towards the cost of residential services provided in other than a home or joint home for any person, the method, time and manner of payment and classes of payments, for the purposes of section 19;
- (q) prescribing the composition of a committee of management, the qualifications and terms of office of the members thereof for the purposes of section 8;
- (r) providing for the division of each district into areas, the appointment of members of boards of management under section 9, representing the areas to each board having regard to the proportionate distribution amongst the areas of population and equalized assessment and providing for the further appointment by the Lieutenant Governor in Council of members at large to the boards of management, prescribing the qualifications for appointment, fixing the number of members for each board and the terms of office of such members and requiring the chairmanship of boards of management to change hands at prescribed intervals.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1973*.

CHAPTER 28

**An Act to amend
The Arbitrations Act**

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Arbitrations Act*, being chapter 25 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(ba) “prescribed” means prescribed by the regulations made under this Act.
2. Section 18 of the said Act is amended by striking out “that provided by Schedule B” in the seventh and eighth lines and inserting in lieu thereof “the maximum, prescribed therefor”.

s. 18,
amended
3. Subsection 1 of section 22 of the said Act is amended by striking out “mentioned in Schedule B” in the second line and by striking out “mentioned in the Schedule” in the fourth and fifth lines and inserting in lieu thereof in each instance “prescribed”.

s. 22 (1),
amended
4. Section 31 of the said Act is amended by adding thereto the following subsection:

(2) The Lieutenant Governor in Council may make regulations prescribing the maximum and minimum fees chargeable by arbitrators under this Act.

Fees
5. Schedule B to the said Act is repealed.

Sched. B,
repealed
6. This Act comes into force on the 1st day of July, 1973.

Commence-
ment
7. This Act may be cited as *The Arbitrations Amendment Act, 1973*.

Short title

CHAPTER 29

**An Act to repeal
The Banting and Best Medical
Research Act, 1923**

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

- 1.** *The Banting and Best Medical Research Act, 1923*, being ^{Repeal}chapter 56, is repealed.
- 2.** This Act comes into force on a day to be named by the ^{Commence-}Lieutenant Governor by his proclamation.
ment
- 3.** This Act may be cited as *The Banting and Best Medical* ^{Short title}
Research Repeal Act, 1973.

CHAPTER 30

**An Act to amend
The Nurses Act**

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Nurses Act*, being chapter 301<sup>s. 2 (2),
re-enacted</sup> of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (2) Every registered nurse and every registered nursing^{Members} assistant is a member of the College.
2. Section 3 of the said Act is repealed and the following sub-<sup>s. 3,
re-enacted</sup>stituted therefor:
 3. The affairs of the College shall be administered by the^{Council} Council, which shall be composed as follows:
 - (a) three persons who are not members of the College, and who are appointed by the Lieutenant Governor in Council;
 - (b) registered nurses in Ontario elected by the registered nurses in Ontario in accordance with the regulations;
 - (c) registered nursing assistants in Ontario elected by the registered nursing assistants in Ontario in accordance with the regulations.
- 3.—(1) Clause *a* of section 5 of the said Act is repealed and the<sup>s. 5 (a),
re-enacted</sup> following substituted therefor:
 - (a) subject to section 3, governing the composition of the Council, including the numbers, procedures for election and terms of office of the members to be elected.

s. 5,
amended

(2) The said section 5 is amended by adding thereto the following subsection:

Regulations,
effective
date
R.S.O. 1970,
c. 410

(2) Any regulation made under clause *a* of subsection 1 and filed under *The Regulations Act* in the year 1973 may be retroactive in its application and may provide that it comes into force on a day not earlier than the 1st day of January, 1973.

Commence-
ment

4.—(1) This Act, except section 2, shall be deemed to have come into force on the 1st day of January, 1973.

Idem

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Nurses Amendment Act, 1973*.

CHAPTER 31

**An Act to repeal
The Northern Development Act**

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Northern Development Act*, being chapter 34 of the Revised Statutes of Ontario, 1937, and the Statutes of Ontario, 1939, chapter 47, section 24; 1941, chapter 38; 1946, chapter 89, section 32, and 1948, chapter 62 are repealed. Repeals
2. Any lien or charge of which notice has been registered under the said Act or any predecessor thereof is discharged on the 1st day of January, 1974, and the lands described in such notice shall be free therefrom. Discharge
of liens
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Northern Development Repeal Act, 1973*. Short title

CHAPTER 32

**An Act to repeal
The Agricultural Development Act**

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Agricultural Development Act*, being chapter ^{Repeals} 10 of the Revised Statutes of Ontario, 1970, and the Statutes of Ontario, 1971, chapter 98, Schedule, paragraph 1, are repealed.

(2) Notwithstanding subsection 1, sections 9, 12, 13, 15, ^{Application to outstand-} 16, 17, 18, 20 and 23 of the said Act and the regulations made ^{ing loans} thereunder continue to apply in respect of loans made before this Act comes into force.

2. On the day this Act comes into force, all of the assets ^{Vesting of} and rights of the Commissioner of Agricultural Loans under ^{assets and} the said Act vest in the Treasurer of Ontario and Minister of ^{duties of} Economics and Intergovernmental Affairs and the powers, ^{Commissioner} duties and obligations of the Commissioner of Agricultural Loans shall, for the purposes of subsection 2 of section 1, be performed by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. ^{in Treasurer}

3. This Act comes into force on the 1st day of July, 1973. ^{Commence-} ^{ment}

4. This Act may be cited as *The Agricultural Development* ^{Short title} *Repeal Act, 1973.*

CHAPTER 33

**An Act to amend
The Ministry of Treasury, Economics
and Intergovernmental Affairs Act, 1972**

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, being chapter 3, is amended by adding thereto the following section:

3a.—(1) The Lieutenant Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed.

2. Section 8 of the said Act is amended by striking out “6, 7, 8, 10, 15” in the fourth line and inserting in lieu thereof “9, 11, 12, 14, 17”.

- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

(2) Section 2 shall be deemed to have come into force on the 1st day of April, 1972.

4. This Act may be cited as *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973*.

CHAPTER 34

An Act to amend The Compensation for Victims of Crime Act, 1971

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Compensation for Victims of Crime Act, 1971*, ^{s. 17, amended} being chapter 51, is amended by adding thereto the following subsection:

(1a) The Board may, in its discretion, refuse to make an ^{Idem} order for compensation where it is satisfied that the applicant has refused reasonable co-operation with, or failed to report promptly the offence to, a law enforcement agency.
2. The said Act is amended by adding thereto the following section: ^{s. 19a, enacted}

19a. Any money paid or payable by way of compensation under this Act or held by the Public Trustee or other person under an order made by the Board under subsection 3 of section 20 is not subject to garnishment, attachment, execution, set-off or any other legal process and the right thereto is not assignable. ^{Award not subject to garnishment, etc.}
3. Section 20 of the said Act is amended by adding thereto the ^{s. 20, amended} following subsection:

(3) If a person entitled to an award under this Act is under the age of eighteen years or is of unsound mind or in the opinion of the Board is incapable of managing his own affairs, any amount payable to him may be paid on his behalf to his parent, spouse or committee or to the Public Trustee or may be paid to such other person or applied in such manner as the Board considers in the best interest of such person, and amounts so paid shall be received and administered by the payee for the benefit of the person. ^{Payments in case of minor, etc.}
4. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
5. This Act may be cited as *The Compensation for Victims of Crime Amendment Act, 1973*. ^{Short title}

CHAPTER 35

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$900,000,000. Loans up to
\$900,000,000
R.S.O. 1970,
c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ontario Loan Act, 1973*. Short title

CHAPTER 36

**An Act to amend
The Teachers' Superannuation Act**

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Teachers' Superannuation Act*, being chapter ^{s. 1, amended} 455 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 1, and 1972, chapter 1, section 65, is further amended by adding thereto the following subsection:

(2) Every person,

Interpre-
tation of
"qualified
as a teacher"

- (a) to whom the Minister has granted a permanent, temporary, interim or other certificate of qualification;
- (b) to whom the Minister has granted a letter of standing;
or
- (c) in respect of whom the Minister has granted a letter of permission to a board,

shall be deemed to be qualified as a teacher for the purposes of this Act so long as his certificate or letter of standing, or the letter of permission granted in respect of him, remains valid.

2. Subsection 7 of section 2 of the said Act, as amended by the ^{s. 2 (7), re-enacted} Statutes of Ontario, 1971 (2nd Session), chapter 9, section 2, is repealed and the following substituted therefor:

(7) The Commission shall meet in the offices of the Com-^{meetings} mission at such times as the Commission may determine.

3. Section 17 of the said Act, as amended by the Statutes of ^{s. 17, amended} Ontario, 1971 (2nd Session), chapter 9, section 7, is further amended by adding thereto the following subsection:

Second
option

(8) Any person who is excluded from the benefits and obligations of this Act because of having given the notice mentioned in subsection 5 may, by notice in writing given to the governing body of the school and to the Commission on or before the 31st day of August, 1975, revoke the first notice, in which case the revocation becomes effective on the 1st day of September next following the date of receipt of the notice of revocation by the governing body or by the Commission, whichever is the later, and on and after that 1st day of September the person is entitled to the benefits and obligations of this Act as if he had not given the notice mentioned in subsection 5.

s. 24 (2) (b),
amended

4. Clause *b* of subsection 2 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 11, is amended by striking out "his latest birthday preceding, or coincident with" in the third and fourth lines.

s. 32,
amended

5. Section 32 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 18, is amended by adding thereto the following subsection:

Exception
for higher
education

(5) For the purposes of subsection 1, a person who has attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Commission for the purposes of this section as a place of higher education, shall be deemed not to have attained the age of eighteen years.

s. 49 (2),
repealed

6. Subsection 2 of section 49 of the said Act is repealed.

Commence-
ment

- 7.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 4 shall be deemed to have come into force on the 17th day of December, 1971.

Short title

8. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1973*.

CHAPTER 37

An Act to amend The Public Schools Act

*Assented to May 25th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 4 of *The Public Schools Act*, being ^{s. 4 (7),} chapter 385 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(7) The board may provide a class or classes for children ^{Beginners} to enter school for the first time on or after the first school ^{class} day in January, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class.
2. Subsection 10 of section 5 of the said Act, as re-enacted by the ^{s. 5 (10),} Statutes of Ontario, 1971, chapter 69, section 1, is amended ^{amended} by striking out "determined under section 71 of *The Assessment Act*" in the ninth and tenth lines and inserting in lieu thereof "provided by the Minister".
3. The said Act is amended by adding thereto the following section: ^{s. 24,}

24. The provisions of *The Municipal Elections Act, 1972* in ^{Corrupt} respect of the validity of elections and corrupt practices apply ^{practices} to the election of trustees. ^{1972, c. 95}
4. Subsection 5 of section 29 of the said Act is amended by ^{s. 29 (5),} inserting after "ballot" in the second line "in accordance with ^{amended} section 34".
5. Subsection 1 of section 43 of the said Act is amended by striking ^{s. 43 (1),} out "in a school term" in the first line and by striking out ^{amended} "as of the last day of that school term" in the sixth and seventh lines.

s. 51 (1) (b), repealed	6. —(1) Clause <i>b</i> of subsection 1 of section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 74, section 14, is repealed.
s. 51 (1) (c), amended	(2) Clause <i>c</i> of subsection 1 of the said section 51 is amended by striking out “this Act” in the third line and inserting in lieu thereof “ <i>The Ministry of Education Act, The Schools Administration Act</i> or the regulations”.
s. 51a, enacted	7. The said Act is further amended by adding thereto the following section:
Estimates	51a. Every board shall prepare and adopt estimates of all sums required during the year for its purposes and in connection therewith the provisions of section 31 of <i>The Secondary Schools and Boards of Education Act</i> that apply in respect of the estimates for public school purposes of a board of a school division apply <i>mutatis mutandis</i> to the estimates of the board.
R.S.O. 1970, c. 425	
Commence- ment	8. This Act comes into force on the day it receives Royal Assent.
Short title	9. This Act may be cited as <i>The Public Schools Amendment Act, 1973</i> .

CHAPTER 38

**An Act to amend
The Nursing Homes Act, 1972**

*Assented to June 1st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 4 of *The Nursing Homes Act, 1972*, being chapter ^{s. 4,} 11, is amended by adding thereto the following subsections: ^{amended}

(1a) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home in the area where the applicant proposes to establish, operate or maintain the nursing home, section 7 shall not apply and the Director shall not issue a licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister's statement. ^{Where proposal not in public interest}

(1b) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home with a total bed capacity greater than the total bed capacity set out in the Minister's statement, section 7 shall not apply and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall be limited to a total bed capacity not greater than that set out in the Minister's statement. ^{Idem}

(1c) In considering under subsection 1a whether it is in the public interest to grant a licence to establish, operate or maintain a nursing home in an area and in considering under subsection 1b whether it is in the public interest to fix the maximum total bed capacity for which the Director may issue a licence to the applicant, the Minister shall take into account, ^{Matters to be considered by Minister}

- (a) the licensed nursing home bed capacity that exists,

- (i) in the area, or
 - (ii) in the area and any other area;
- (b) the health facilities other than facilities for nursing care that are available,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (c) the number of applicants for nursing care,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (d) the predictable continuing demand for nursing home facilities,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (e) the funds available to provide continuing extended care in nursing homes in Ontario.

s. 4 (2) (b),
repealed

(2) Clause *b* of subsection 2 of the said section 4 is repealed.

s. 14,
re-enacted

2. Section 14 of the said Act is repealed and the following substituted therefor:

Excessive
charges
prohibited

14. No licensee shall demand or accept or cause or permit any person to demand or accept on his behalf payment in excess of,

1972, c. 91

(a) for services that are insured services under *The Health Insurance Act, 1972*,

(i) the amount prescribed under that Act for the insured services, or

(ii) the amount prescribed by the regulations as co-payment for the insured services;

(b) for private accommodation in an extended care unit, the amount prescribed by the regulations; or

(c) for semi-private accommodation in an extended care unit, the amount prescribed by the regulations.

14a. The Minister shall bring action to recover from a licensee any excess payment referred to in section 14 that is accepted by or on behalf of the licensee, with costs, by action in a court of competent jurisdiction and, upon such recovery, shall pay the amount of the excess payment recovered to the person from whom it was accepted by or on behalf of the licensee.

Recovery
of excess
payment

3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Nursing Homes Amendment Act, 1973*.

Commence-
ment

Short title

CHAPTER 39

An Act to amend The Land Titles Act

*Assented to June 1st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 160*a* of *The Land Titles Act*, being <sup>s. 160*a*(2),
re-enacted</sup> chapter 234 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 132, section 30, is repealed and the following substituted therefor:
 - (2) Notwithstanding subsection 1, a plan of subdivision ^{Exceptions} may be registered under *The Registry Act* where, <sup>R.S.O. 1970,
c. 409</sup>
 - (a) the plan is presented and accepted for registration before the 1st day of January, 1974;
 - (b) the plan is presented and accepted for registration within six months after the operation of this Act was extended to the area in which the land is situate;
 - (c) the land included in the plan is the whole or part of the land included in a plan of subdivision registered for not more than ten years under *The Registry Act*, if the changes to be effected by the resubdivision are, in the opinion of the director of titles, of a minor nature; or
 - (d) the registration under this Act of the land included in the plan would, in the opinion of the director of titles, result in an unreasonable delay in the registration of the plan.
2. This Act shall be deemed to have come into force on the 1st day <sup>Commence-
ment</sup> of April, 1973.
3. This Act may be cited as *The Land Titles Amendment Act, 1973*. ^{Short title}

CHAPTER 40

**An Act to amend
The Ontario Place Corporation Act, 1972**

*Assented to June 1st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Ontario Place Corporation Act, 1972*, being chapter 33, is repealed and the following substituted therefor:

(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are considered necessary for the proper conduct of the business of the Corporation.

Officers and
employees
R.S.O. 1970,
c. 386

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Ontario Place Corporation Amendment Act, 1973*.

Commence-
ment

Short title

CHAPTER 41

**An Act to amend
The Ministry of Community and
Social Services Act**

*Assented to June 1st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (2) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting,
 - (a) any matter for the administration of which the Minister is responsible; and
 - (b) the payment by Canada to Ontario of any portion of any expenditures made before or after this Act comes into force by Ontario or by any municipality under any Act of Ontario.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1973*.

<sup>s. 3 (2),
re-enacted</sup>

^{Agreements}

<sup>Commence-
ment</sup>

^{Short title}

CHAPTER 42

**An Act to amend The Corporations
Tax Act, 1972**

*Assented to June 12th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *c* of subsection 2 of section 2 of *The Corporations Tax Act, 1972*, being chapter 143, is amended by striking out “77” in the second line and inserting in lieu thereof “76”. s. 2 (2) (c),
amended

- (2) Clause *c* of subsection 3 of the said section 2 is amended by striking out “77” in the second line and inserting in lieu thereof “76”. s. 2 (3) (c),
amended

2. Subsection 8 of section 7 of the said Act is repealed and the following substituted therefor: s. 7 (8),
re-enacted

(8) The fact that a non-resident corporation in a fiscal year produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed in whole or in part anything in Canada whether or not the corporation exported that thing without selling it prior to exportation, or the fact that a non-resident corporation produced or presented any form of entertainment by means of a performance on a public stage or in an auditorium or other public place in Canada, shall of itself, for the purposes of this Act, be deemed to mean that the corporation maintained a permanent establishment at any place where the corporation did any of those things in the fiscal year. Permanent
establishment

3. Subclause *iv* of clause *f* of subsection 17 of section 17 of the said Act is repealed. s. 17 (17)
(f) (iv),
repealed

4. Clause *l* of subsection 1 of section 22 of the said Act is repealed and the following substituted therefor: s. 22 (1) (l),
re-enacted

(l) five-twelfths of the aggregate of amounts each of which is an amount in respect of, Management
fee, rent and
similar
payments

- (i) a management or administration fee or charge,
- (ii) a rent, royalty or a similar payment, and
- (iii) a right in or to the use of motion picture films or films or video tapes for use in connection with television that have been or are to be used or reproduced by the corporation in Canada,

that were paid or credited, or deemed to be paid or credited, in the fiscal year to a non-resident person with whom the corporation was not dealing at arm's length to the extent that such amounts were subjected to taxation under paragraph *a*, *d* or *e* of subsection 1 of section 212 of the *Income Tax Act* (Canada) or subsection 5 of that section, except that subclause ii does not apply where an amount is paid or credited or deemed to be paid or credited to a non-resident person that is a corporation liable to the taxes imposed under this Act by virtue of clause *b* of subsection 2 or 3 of section 2.

1970-71,
c. 63 (Can.)

s. 24,
amended

5. Section 24 of the said Act is amended by adding thereto the following subsection:

No deduction
in respect of
property in
certain
circumstances

(9*a*) Clause *p* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year from a business where the corporation has, in the fiscal year, sold, pledged, assigned or in any other manner disposed of any security received by it as payment in whole or in part for the sale of property in respect of which the corporation has, in that or a previous fiscal year, been allowed a deduction under that clause.

s. 51 (2),
amended

6. Subsection 2 of section 51 of the said Act is amended by striking out "Where at any time an option described in subsection 1, other than an option the consideration for the granting of which is an amount described in subclause *v* of clause *b* of subsection 12 of section 63 paid pursuant to an agreement described in that subclause, that has been granted by a corporation after 1971 expires" in the first, second, third, fourth, fifth and sixth lines and inserting in lieu thereof "Where at any time an option granted after 1971 by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it, other than an option the consideration for the granting of which is an amount described in subclause *v* of clause *b* of subsection 12 of section 63 and paid pursuant to an agreement described in that subclause, expires".

s. 98 (1) (*b*),
amended

7. Clause *b* of subsection 1 of section 98 of the said Act is amended by striking out "subsection 1" in the ninth line and inserting in lieu thereof "clause *a*".

8.—(1) Clause *a* of subsection 1 of section 109 of the said Act ^{s. 109 (1) (a), amended} is amended by striking out “as defined by paragraph *b* of subsection 6 of section 131 of the *Income Tax Act* (Canada)” ^{1970-71, c. 63 (Can.)} in the third, fourth and fifth lines.

(2) Subsection 2 of the said section 109 is repealed and the ^{s. 109 (2), re-enacted} following substituted therefor:

(2) Where a corporation has in a fiscal year become ^{Capital gains refund to mutual fund corporation} entitled to a refund by virtue of subsection 2 of section 131 of the *Income Tax Act* (Canada), the Minister,

(a) may, upon mailing the notice of assessment for the fiscal year, refund without application therefor an amount (in this section referred to as its “capital gains refund” for the fiscal year) equal to the lesser of,

(i) 6 per cent of the aggregate of,

(A) all capital gains dividends paid by the corporation in the fiscal year, and

(B) its capital gains redemptions for the fiscal year, and

(ii) the corporation’s refundable capital gains tax on hand at the end of the fiscal year; and

(b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the corporation within four years from the end of the fiscal year.

(2a) Where a corporation had a permanent establishment ^{Apportionment of capital gains refund} in a jurisdiction outside Ontario during a fiscal year in respect of which subsection 2 applies, the capital gains refund otherwise determined under subsection 2 shall be that proportion thereof that the taxable income of the corporation that is deemed to have been earned in Ontario for that fiscal year for the purposes of section 103 bears to its total taxable income or, where its taxable income is nil, the capital gains refund otherwise determined under subsection 2 shall be that proportion thereof that the corporation’s taxable paid-up capital that is deemed to have been used in Ontario for that fiscal year for the purposes of section 132 bears to its total taxable paid-up capital.

(3) The said section 109 is amended by adding thereto the ^{s. 109, amended} following subsections:

Interpre-
tation

(5) In this section,

(a) “capital gains dividend account” of a mutual fund corporation at any time means the amount, if any, by which,

(i) its capital gains from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

exceeds

(ii) the aggregate of,

(A) its capital losses from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

(B) all capital gains dividends that become payable by the corporation before that time and after the end of the last fiscal year ending before that time, and

(C) all amounts each of which is an amount in respect of any fiscal year of the corporation ending before that time throughout which it was a mutual fund corporation, equal to $16\frac{2}{3}$ times its capital gains refund for that fiscal year;

(b) “capital gains redemptions” of a mutual fund corporation for a fiscal year means that proportion of,

(i) the aggregate of,

(A) $16\frac{2}{3}$ times its refundable capital gains tax on hand at the end of the fiscal year, and

(B) the amount, if any, by which the aggregate of the fair market value at the end of the fiscal year of all of the issued shares of its capital stock and all amounts each of which is the amount of any debt owing by the corporation, or of any other obligation of the corporation to pay an amount, that was outstanding at that time exceeds the

aggregate of the cost amounts to it at that time of all of its properties and the amount of any money of the corporation on hand at that time,

that

- (ii) the aggregate of amounts paid by it in the fiscal year on the redemption of shares of its capital stock

is of

- (iii) the aggregate of the fair market value at the end of the fiscal year of all of the issued shares of its capital stock and the amount determined under subclause ii in respect of the corporation for the fiscal year; and
- (c) "refundable capital gains tax on hand" of a mutual fund corporation at the end of a fiscal year means the amount, if any, by which,
- (i) the aggregate of amounts each of which is an amount in respect of that or any previous fiscal year throughout which it was a mutual fund corporation, equal to 12 per cent of the lesser of its taxable income for the fiscal year and its taxed capital gains for the fiscal year,

exceeds

- (ii) the aggregate of amounts each of which is an amount in respect of any previous fiscal year throughout which it was a mutual fund corporation, equal to its capital gains refund for the fiscal year.

(6) In subsection 5, "taxed capital gains" of a corporation *Idem* for a fiscal year is the amount, if any, by which,

- (i) its taxable capital gains for the fiscal year from dispositions of property,

exceeds

- (ii) the aggregate of its allowable capital losses for the fiscal year from dispositions of property and the amount, if any, deductible under clause *b* of subsection 1 of section 99 for the purpose of computing its taxable income for the fiscal year.

s. 122 (1) (i),
re-enacted

9.—(1) Clause *i* of subsection 1 of section 122 of the said Act is repealed and the following substituted therefor:

Non-profit
organizations

- (i) a club, society or association organized and operated exclusively for social welfare, civic improvement, pleasure or recreation, or for any other purpose except profit, which has not in the fiscal year or in any previous fiscal year distributed any part of its income to any proprietor, member or shareholder thereof, or appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof.

s. 122,
amended

- (2) The said section 122 is amended by adding thereto the following subsection:

Tax payable
where distri-
bution made
to members or
shareholders

- (1*a*) Where a corporation described in clause *i* of subsection 1,

- (*a*) has in the fiscal year distributed any part of its income or distributed or otherwise appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof, such corporation shall be liable to the taxes imposed under this Act for the fiscal year in which the distribution is made and for subsequent fiscal years, and in computing its income for the fiscal year in which the distribution is made, it shall include the aggregate of its income of all previous fiscal years;
- (*b*) has, after 1971, distributed any of its income or distributed or otherwise appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof on the winding up or discontinuance of its business, the corporation shall be deemed to have received income in that fiscal year equal to the amount, if any, by which the amount of the funds and the value of the property distributed or appropriated, as the case may be, exceeds the aggregate of,
 - (i) amounts paid in by proprietors, members or shareholders on account of capital, and
 - (ii) that part of the corporation's surplus that is attributed to income that was exempt under this section other than taxable capital gains.

10.—(1) Clause *a* of section 123 of the said Act is amended by <sup>s. 123 (a),
amended</sup> striking out “upon its taxable paid-up capital” in the second line and inserting in lieu thereof “calculated upon its taxable paid-up capital”.

(2) Clause *b* of the said section 123 is amended by striking <sup>s. 123 (b),
amended</sup> out “upon its taxable paid-up capital employed in Canada” in the second and third lines and inserting in lieu thereof “calculated upon its taxable paid-up capital employed in Canada”.

11.—(1) Clause *d* of section 126 of the said Act is repealed and <sup>s. 126 (d),
re-enacted</sup> the following substituted therefor:

(*d*) all sums or credits advanced or loaned to the corporation by its shareholders directly or indirectly or by any other corporation; and

(2) The said section 126 is amended by adding thereto the <sup>s. 126,
amended</sup> following subsection:

(2) Notwithstanding subsection 1, the taxable paid-up <sup>Taxable
paid-up
capital
of banks</sup> capital of a bank for a fiscal year is its taxable paid-up capital as it stood at the close of the fiscal year, and includes,

(*a*) its paid-up capital stock;

(*b*) its reserve fund; and

(*c*) its undivided profits.

12. Section 127 of the said Act is amended by adding thereto the <sup>s. 127,
amended</sup> following subsection:

(2*a*) Subsections 1 and 2 do not apply to any corporation ^{Exception} to which subsection 2 of section 126 applies.

13. Section 128 of the said Act is amended by adding thereto the <sup>s. 128,
amended</sup> following subsection:

(2) Subsection 1 does not apply where the business of the <sup>Business
wholly in
Canada</sup> corporation was carried on entirely in Canada, and in any such case, the corporation’s taxable paid-up capital employed in Canada shall be determined in accordance with the provisions of Division B of this Part.

14. Section 131 of the said Act is repealed and the following <sup>s. 131,
re-enacted</sup> substituted therefor:

Rate of
capital
tax on
non-banking
corporations

131.—(1) Except as provided in subsection 2, the tax payable under this Part by a corporation for a fiscal year calculated upon its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, in this subsection referred to as the “amount taxable”, is one-fifth of 1 per cent of the amount taxable.

Rate of
capital tax
on banks

(2) The tax payable under this Part by a bank for a fiscal year calculated upon its taxable paid-up capital, in this subsection referred to as the “amount taxable”, is two-fifths of 1 per cent of the amount taxable.

s. 132,
re-enacted

15. Section 132 of the said Act is repealed and the following substituted therefor:

Deduction
from tax
on paid-up
capital

132.—(1) Except as provided in subsection 2, there may be deducted from the tax otherwise payable under this Part by a corporation for a fiscal year an amount equal to one-fifth of 1 per cent of that portion of the taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, which is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

Idem

(2) There may be deducted from the tax otherwise payable under this Part by a bank for a fiscal year an amount equal to two-fifths of 1 per cent of that portion of its taxable paid-up capital, which is deemed to be used by the bank in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

s. 134,
amended

16. Section 134 of the said Act is amended by striking out “138, 139, 140, 141, 142 or” in the second and third lines.

ss. 138-142,
repealed

17. Sections 138, 139, 140, 141 and 142 of the said Act are repealed.

s. 143,
amended

18.—(1) Section 143 of the said Act is amended by adding thereto the following subsection:

Insurance
corporation,
what included

(2a) For the purposes of this section, “insurance corporation” and “corporation”, as the case may be, include underwriters and syndicates of underwriters operating on the plan known as Lloyds, and include fraternal societies as defined in *The Insurance Act*.

R.S.O. 1970,
c. 224

s. 143 (4) (b),
re-enacted

(2) Clause *b* of subsection 4 of the said section 143 is repealed and the following substituted therefor:

(b) fraternal societies as defined in *The Insurance Act*, R.S.O. 1970, c. 224, with respect to contracts entered into prior to the first day of January, 1974;

(ba) mutual benefit societies as defined in *The Insurance Act*, or

19. Section 144 of the said Act is repealed.

s. 144,
repealed

20.—(1) In this section, “the principal Act” means *The Corporations Tax Act, 1972*. Commence-
ment and
application

- (2) This Act, except sections 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, Idem 15, 16, 17 and 19, comes into force on the day it receives Royal Assent.
- (3) Sections 1, 3, 6, 7, 8 and 13 shall be deemed to have Idem come into force on the 1st day of January, 1972 and apply to corporations in respect of all fiscal years that end during or after 1972.
- (4) Section 4 shall be deemed to have come into force on the Idem 13th day of April, 1973, and applies to corporations in respect of all fiscal years that end after the 12th day of April, 1973, but only with respect to amounts that were paid or credited or that were deemed to have been paid or credited after the 12th day of April, 1973 by virtue of clause *l* of subsection 1 of section 22 of the principal Act, as re-enacted by this Act.
- (5) Section 5 shall be deemed to have come into force on the Idem 13th day of April, 1973, and applies where a corporation, after the 12th day of April, 1973, sold, pledged, assigned or in any other manner disposed of any security received by it as payment in whole or in part for the sale of property in respect of which the corporation has been allowed a deduction under clause *p* of subsection 1 of section 24 of the principal Act.
- (6) Sections 11, 12, 14, 15, 16, 17 and 19 shall be deemed to Idem have come into force on the 13th day of April, 1973 and apply to corporations with respect to all fiscal years that end after the 12th day of April, 1973, except that, in determining the tax payable by a corporation under Part III of the principal Act, as amended by this Act, with respect to the fiscal year of a corporation that ends after the 12th day of April, 1973 and that includes that day, the following rules apply,

- (a) determine the tax under Part III of the principal Act, as amended by this Act that, but for the rules made applicable by this section, would be payable by the corporation for a fiscal year that ends after the 12th day of April, 1973 and that includes that day;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of the fiscal year that follow the 12th day of April, 1973 bears to the total number of days of that fiscal year;
- (c) determine the tax that, but for the rules made applicable by this section, would be payable for the fiscal year that ends after the 12th day of April, 1973, and that includes that day under Part III or IV of the principal Act, as the case may be, as those parts stood prior to the 13th day of April, 1973, and on the assumption that those parts were applicable to that fiscal year;
- (d) determine that proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 13th day of April, 1973 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the tax under Part III of the principal Act, as amended by this Act, that is payable by the corporation for its fiscal year that ends after the 12th day of April, 1973 and that includes that day.

Short title

21. This Act may be cited as *The Corporations Tax Amendment Act, 1973*.

CHAPTER 43

**An Act to repeal
The Security Transfer Tax Act**

*Assented to June 12th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Security Transfer Tax Act* and *The Security Transfer Tax Amendment Act, 1972* are repealed. R.S.O. 1970,
c. 427 as
amended,
repealed
2. This Act shall be deemed to have come into force on the 13th day of April, 1973. Commence-
ment
3. This Act may be cited as *The Security Transfer Tax Repeal Act*, Short title
1973.

CHAPTER 44

**An Act to amend
The Ministry of Education Act**

*Assented to June 12th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ministry of Education Act*, being ^{s. 1 (d), amended} chapter 111 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 73, section 1, is further amended by striking out “any day other than a school holiday for five or more pupils” in the third and fourth lines and inserting in lieu thereof “any school day for five or more pupils who are of or over compulsory school age”.
2. Section 5 of the said Act, as amended by the Statutes of ^{s. 5, re-enacted} Ontario, 1971, chapter 89, section 1, is repealed and the following substituted therefor:
 5. The Minister may, in respect of a school, require to be ^{Additions to enrolment in special cases} included in the enrolment on any date the number of pupils,
 - (a) who were absent from school because of enlistment in the Canadian Armed Forces, or to engage in the production of food or other essential materials; or
 - (b) who were absent from school because of,
 - (i) a failure of transportation arrangements,
 - (ii) the closing of one or more classrooms caused by inclement weather, fire, flood, the breakdown of the school heating plant, or a similar emergency, or
 - (iii) the closing of the school under *The Emergency Measures Act*, *The Public Health Act*, this Act ^{R.S.O. 1970, cc. 145, 377} or the regulations,where such failure or closing was, in the opinion of the Minister, unavoidable; or

- (c) who, under the terms of an arrangement approved by the Minister, were absent from a secondary school because of their early enrolment at a university or polytechnical institute in Ontario; or
- (d) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or
- (e) who were absent because of any other condition considered by the Minister to constitute an emergency.

s. 10 (1),
amended

3. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 73, section 3, is further amended by adding thereto the following clause:

educational
advancement
programs,
activities and
projects and
accountable
advances

- (p) make payments out of funds appropriated therefor by the Legislature to a board, an individual, a voluntary association or a corporation without share capital having objects of a charitable or educational nature,
 - (i) to assist or advance programs, activities or projects for students that involve a cultural and educational exchange with other provinces and countries, provincial or interprovincial travel, school twinning and related assistance, leadership training, or summer employment, and
 - (ii) to foster and promote educational advancement by means of programs, activities or projects that are provided for visiting educational officials, designed to further the professional development of teachers and supervisory officers including exchange of such personnel, or considered by the Minister to be valuable in advancing a particular area of study,

and, subject to the terms and conditions that are approved for such purpose by the Lieutenant Governor in Council, make an accountable advance to the recipient of a payment under this clause or to an individual, not being a member of the public service, who conducts or assists in conducting or participates in any such program, activity or project.

s. 12 (1),
amended

4.—(1) Subsection 1 of section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 89, section 3

and 1972, chapter 73, section 4, is further amended by adding thereto the following paragraphs:

- 36*b*. prescribing the fee to be paid to the Ministry for a ^{idem} transcript of standing obtained in Ontario by a pupil;
 - 36*c*. prescribing the fee to be paid to the Ministry by a ^{idem} teacher for the preparation, at his request, of a statement of standing obtained, or a description of courses completed, at a teacher training institution in Ontario, and the forwarding thereof to a certification authority outside Ontario or to an educational institution;
 - 36*d*. prescribing the conditions under which fees are to ^{idem} be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of educational standing obtained outside Ontario, and the amounts of such fees.
- (2) The said section 12, as amended by the Statutes of ^{s. 12, amended} Ontario, 1971, chapter 89, section 3, 1972, chapter 1, section 61 and 1972, chapter 73, section 4, is further amended by adding thereto the following subsection:
- (6) Subject to the approval of the Lieutenant Governor ^{School year, terms and holidays} in Council, the Minister may make regulations,
- (*a*) prescribing and governing the school year, school terms and school holidays;
 - (*b*) authorizing a board to vary one or more school terms or school holidays as designated by the regulations; and
 - (*c*) permitting a board to designate, and to implement with the prior approval of the Minister, a school year, school terms and school holidays for one or more schools under its jurisdiction that are different from those prescribed by the regulations,

and where a school year, school term or school holiday prescribed by or established under such regulations conflicts or is inconsistent with the school year, school terms or school holidays prescribed by any Act, the school year, school term or school holiday prescribed by or established under such regulations, as the case may be, prevails.

- Commence-
ment
5. This Act comes into force on the day it receives Royal Assent.
- Short title
6. This Act may be cited as *The Ministry of Education Amendment Act, 1973*.

CHAPTER 45

An Act to amend The Highway Traffic Act

Assented to June 12th, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act*, ^{s. 1 (1), amended} being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:
 - 1a. “bus” means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons.
 - (2) Paragraph 15 of subsection 1 of the said section 1 is repealed ^{s. 1 (1), par. 15, re-enacted} and the following substituted therefor:
 15. “Minister” means the Minister of Transportation and Communications;
 - 15a. “Ministry” means the Ministry of Transportation and Communications;
 - 15b. “mobile home” means a vehicle, other than a motor vehicle, that is designed and used as a residence or working accommodation unit and exceeds 102 inches in width or 35 feet in length.
 - (3) Paragraph 34 of subsection 1 of the said section 1 is ^{s. 1 (1), par. 34, amended} amended by inserting after “husbandry” in the third line “a mobile home”.
- 2.—(1) Subsection 1 of section 6 of the said Act is amended by ^{s. 6 (1), amended} striking out “trailer or conversion unit” in the first and second lines and in the fifth line and inserting in lieu thereof in each instance “or trailer”.
 - (2) Subsection 3 of the said section 6 is amended by striking ^{s. 6 (3), amended} out “trailer or conversion unit” in the first and second lines and in the third line and inserting in lieu thereof in each instance “or trailer”.

s. 6 (4),
amended

- (3) Subsection 4 of the said section 6 is amended by striking out “trailer or conversion unit” in the third line and in the eighth line and inserting in lieu thereof in each instance “or trailer”.

s. 6 (5),
amended

- (4) Subsection 5 of the said section 6 is amended by striking out “trailers or conversion units” in the second line and inserting in lieu thereof “or trailers”.

s. 6,
amended

- (5) The said section 6 is amended by adding thereto the following subsection:

Regulations
respecting
single
journey
permits

- (8) The Lieutenant Governor in Council may make regulations respecting the issuing of permits for motor vehicles or trailers that are to be driven, operated or drawn on highways for single journeys from specified points of commencement to specified destinations and prescribing fees to be paid therefor.

s. 8 (4),
amended

- 3.** Subsection 4 of section 8 of the said Act is amended by striking out “and conversion unit” in the first line.

s. 9 (1) (b),
amended

- 4.—**(1) Clause *b* of subsection 1 of section 9 of the said Act is amended by striking out “trailer or conversion unit” in the third line and inserting in lieu thereof “or trailer”.

s. 9 (1) (c),
amended

- (2) Clause *c* of subsection 1 of the said section 9 is amended by striking out “trailer or conversion unit” in the second line and inserting in lieu thereof “or trailer”.

s. 9 (1) (d),
amended

- (3) Clause *d* of subsection 1 of the said section 9 is amended by striking out “trailer or conversion unit” in the second line and in the third and fourth lines and inserting in lieu thereof in each instance “or trailer”.

s. 9 (2),
amended

- (4) Subsection 2 of the said section 9 is amended by striking out “trailer or conversion unit” in the third line and inserting in lieu thereof “or trailer”.

s. 10 (1),
amended

- 5.** Subsection 1 of section 10 of the said Act is amended by striking out “trailer or conversion unit” in the third line and inserting in lieu thereof “or trailer”.

s. 11,
amended

- 6.** Section 11 of the said Act is amended by striking out “trailer or conversion unit” in the second line and inserting in lieu thereof “or trailer”.

s. 12,
amended

- 7.** Section 12 of the said Act is amended by adding thereto the following subsection:

Registration
of vehicles
of certain
non-residents

- (2a) Notwithstanding subsections 1 and 2, sections 6 and 8 and subsection 1 of section 10 apply to a motor vehicle owned

by a person who does not reside in Ontario that displays registration plates of a jurisdiction other than Ontario and that is,

(a) based and operated in Ontario by such person; or

(b) operated by a resident of Ontario for more than a thirty day period in any calendar year.

- 8.—(1) Subsection 1 of section 18 of the said Act is amended by inserting after “vehicle” in the second line “road-building machine” ^{s. 18 (1), amended}.
- (2) Subsection 2 of the said section 18 is amended by inserting after “vehicle” in the second line “road-building machine” ^{s. 18 (2), amended}.
- 9.—(1) Subsection 1 of section 20 of the said Act is amended by striking out “192, 193 or 207” in the second line and inserting in lieu thereof “203, 204 or 219”, by striking out “221” in the fourth line and inserting in lieu thereof “233” and by striking out “225” in the fourteenth line and inserting in lieu thereof “238” ^{s. 20 (1), amended}.
- (2) Subsection 3 of the said section 20 is amended by striking out “221 or section 222, 223 or 224” in the second line and inserting in lieu thereof “233 or section 234, 235 or 236” ^{s. 20 (3), amended}.
10. Subsection 1 of section 21 of the said Act is amended by striking out “221 or section 222, 223 or 224” in the second and third lines and inserting in lieu thereof “233 or section 234, 235 or 236” and by striking out “225” in the thirteenth line and inserting in lieu thereof “238” ^{s. 21 (1), amended}.
11. Section 23 of the said Act is amended by striking out “221” in the second line and inserting in lieu thereof “233” and by striking out “225” in the thirteenth line and inserting in lieu thereof “238” ^{s. 23, amended}.
12. Section 24 of the said Act is amended by striking out “225” in the second line and inserting in lieu thereof “238” ^{s. 24, amended}.
- 13.—(1) Subsection 1 of section 35 of the said Act is amended by striking out “parking station, parking lot or” in the second and third lines and by striking out “but this section does not apply to a temporary parking lot that is being operated for a period of not more than two consecutive weeks” in the sixth, seventh and eighth lines, so that the subsection shall read as follows: ^{s. 35 (1), amended}

Licence respecting wrecking or dismantling of vehicles	(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, used car lot or the wrecking or dismantling of vehicles without having been licensed so to do by the Ministry in respect of each separate premises used by him for the purpose of such business.
s. 35 (3), amended	(2) Subsection 3 of the said section 35 is amended by striking out “parking station, parking lot or” in the second line and by striking out “\$50” in the fifth line and inserting in lieu thereof “\$500”.
s. 35 (4), amended	(3) Subsection 4 of the said section 35 is amended by striking out “parking station, parking lot or” in the fourth line.
s. 35 (6), amended	(4) Subsection 6 of the said section 35 is amended by striking out “parking station, parking lot or” in the second line.
s. 35 (7), amended	(5) Subsection 7 of the said section 35 is amended by striking out “parking station, parking lot or” in the third and fourth lines.
s. 37, amended	14. —(1) Section 37 of the said Act is amended by adding thereto the following subsections:
Covering or coating of lamps prohibited	(3a) No person shall operate or drive upon a highway a motor vehicle where either or both of the lamps that are required on the front of the vehicle by subsection 1 are coated or covered with a coloured material or lacquer or where either or both of the lamps have been modified by the attachment to the lamps or the motor vehicle of any device that reduces the effective area of the lenses or the intensity of the beam of the lamps.

Intermittent red light restricted	(11a) Subject to subsection 12, no person shall use a lamp, other than the signalling devices referred to in subsection 26 and the vehicular hazard warning signal lamps commonly known as four way flashers, that produces intermittent flashes of red light.
s. 37 (12), amended	(2) Subsection 12 of the said section 37 is amended by striking out “or school bus” in the third line and inserting in lieu thereof “school bus or a vehicle operated by a conservation officer, fishery officer, provincial park officer or mine rescue training officer”.
s. 46, amended	15. —(1) Section 46 of the said Act is amended by adding thereto the following subsections:

(3a) The Lieutenant Governor in Council may make regulations, Regulations as to safety glass in vehicles

(a) prescribing standards and specifications for safety glass used or intended to be used in a door, window or windshield of any motor vehicle;

(b) providing for and requiring the marking and identification of safety glass used or intended to be used in a door, window or windshield of any motor vehicle.

(3b) Any regulation made under subsection 3a may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and may require compliance with any code or standard that is so adopted. Adoption of code by reference

(2) Subsection 4 of the said section 46 is amended by inserting after "section" in the second line "or of a regulation made under this section". s. 46 (4), amended

16. Section 47 of the said Act is amended by adding thereto the following subsection: s. 47, amended

(1a) No person shall drive a motor vehicle upon a highway where the surface of the windshield or of any window of the vehicle has been coated with any colour spray or other colour coating in such a manner as to obstruct the driver's view of the highway or any intersecting highway. Colour coating obstructing view prohibited

17. Section 53 of the said Act is amended by striking out "subsection" in the seventh line and inserting in lieu thereof "section" and by striking out "so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle" in the eighth, ninth and tenth lines and inserting in lieu thereof "object or device attached or coupled to the towing vehicle by means of a fifth wheel attachment". s. 53, amended

18.—(1) Subsection 2 of section 58 of the said Act is amended by striking out "1" in the fourth line and inserting in lieu thereof "2". s. 58 (2), amended

(2) Clause a of subsection 3 of the said section 58 is amended by striking out "subsection 4" in the first line and inserting in lieu thereof "subsections 4 and 4a". s. 58 (3) (a), amended

(3) Subsection 3 of the said section 58 is amended by striking out "as a motor mechanic" in the tenth and eleventh lines and inserting in lieu thereof "as a motor vehicle mechanic in the case of a motor vehicle other than a motorcycle or, in the case of a motorcycle, as a motorcycle mechanic". s. 58 (3), amended

s. 58,
amended

- (4) The said section 58 is amended by adding thereto the following subsection:

Exception

(4a) Subsection 3 does not apply to the transfer of a motor vehicle registered in Ontario that is transferred to the spouse of the owner of the vehicle, to the estate of the deceased owner of the vehicle, or from the deceased owner or the estate of the deceased owner to the deceased owner's spouse.

s. 60 (1),
amended

- 19.** Subsection 1 of section 60 of the said Act is amended by adding thereto the following clause:

(c) prescribing standards or specifications for any vehicles or any class or classes thereof.

s. 63,
re-enacted

- 20.** Section 63 of the said Act is repealed and the following substituted therefor:

Sale of new
vehicles
that do not
conform to
federal
standards
prohibited
R.S.C. 1970,
c. 26 (1st Supp.)

63.—(1) No person who deals in motor vehicles, trailers or conversion units shall sell or offer to sell a new motor vehicle, trailer or conversion unit manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada) or that does not bear the National Safety Mark referred to therein.

Penalty

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

s. 64 (7),
amended

- 21.** Subsection 7 of section 64 of the said Act is amended by inserting after "4" in the second line "or of a regulation made by a by-law under subsection 8 or of a regulation made under subsection 9", so that the subsection, exclusive of the clauses, shall read as follows:

Penalty

(7) Every person who contravenes any of the provisions of subsection 2, 3 or 4 or of a regulation made by a by-law under subsection 8 or of a regulation made under subsection 9 is guilty of an offence and on summary conviction is liable to a fine of,

.

s. 66,
amended

- 22.** Section 66 of the said Act is amended by adding thereto the following subsection:

Vehicles
exempt from
provisions of
subss. 4, 5

(5a) The provisions of subsections 4 and 5 do not apply to a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the

highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway.

23.—(1) Section 68 of the said Act is amended by adding thereto ^{s. 68, amended} the following subsection:

(2a) The Lieutenant Governor in Council may make ^{Regulations} regulations prescribing the manner of loading, covering and securing loads on vehicles or classes of vehicles operated on highways.

(2) Subsection 3 of the said section 68 is amended by inserting ^{s. 68 (3), amended} after “section” in the second line “or of a regulation made under subsection 2a”.

24.—(1) Subsection 3 of section 70 of the said Act is amended by ^{s. 70 (3), amended} striking out “public vehicle” in the first line and inserting in lieu thereof “bus”.

(2) Subsection 7 of the section 70 is repealed and the ^{s. 70 (7), re-enacted} following substituted therefor:

(7) No bus, including load or contents, shall exceed the ^{Length of bus} length of 40 feet but an increase in the length of a bus caused by the addition of a liquid filled or other energy-absorbing bumper shall not be included in determining the length of the bus.

25.—(1) Clause *j* of subsection 1 of section 71 of the said Act is ^{s. 71 (1) (j), re-enacted} repealed and the following substituted therefor:

(*j*) “triple axle” means any three consecutive axles that,

(i) have their consecutive centres equally spaced, and

(ii) have their consecutive centres more than 40 inches apart,

and that,

(iii) are articulated from an attachment to the vehicle common to the consecutive axles, or

(iv) are designed to equalize the load between the three axles under all conditions of loading.

(2) The said section 71 is amended by adding thereto the ^{s. 71, amended} following subsections:

Where three
consecutive
axles not
equally
spaced

(1a) Where three consecutive axles that are articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause *j* of subsection 1 because their consecutive centres are not equally spaced, that one of the three consecutive axles that is most remote from the centre axle of the consecutive axles shall be deemed to be a single axle and the other two axles shall be deemed to be a dual axle.

Idem

(1b) Where three consecutive axles that are not articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause *j* of subsection 1 because their consecutive centres are not equally spaced, any two of the axles that are articulated from an attachment to the vehicle common to the two axles shall be deemed to be a dual axle and the third of the three axles shall be deemed to be a single axle.

s. 74 (2),
amended

26. Subsection 2 of section 74 of the said Act is amended by striking out

“ W_m is the axle group weight limit

B_m is the equivalent base length of the axle group

b is the base length, being the distance between the extreme axle of an axle group”

in the eighth, ninth, tenth and eleventh lines and inserting in lieu thereof

“ W_m is the axle group weight limit in thousands of pounds

B_m is the equivalent base length of the axle group in feet

b is the base length, being the distance between the extreme axles of an axle group in feet”.

s. 77,
amended

27.—(1) Section 77 of the said Act is amended by adding thereto the following subsections:

Conversion
unit

(2a) Notwithstanding subsection 1 and subject to section 73 where a conversion unit is used to convert a two axle truck-tractor into a three axle truck-tractor and the fee prescribed by the regulations has been paid, the vehicle or combination of vehicles may have on a highway a gross weight that exceeds by not more than 15,000 pounds the maximum gross weight for which the vehicle or combination of vehicles was registered and for which a permit was issued under this Act.

(2b) Where additional weight of not more than 15,000 pounds is carried in accordance with subsection 2a, the receipt issued by the Ministry for the fee paid in respect of the gross weight in excess of that for which the permit was issued shall be carried by the driver of the vehicle or placed in some readily accessible place in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

Conversion unit, production of receipt for payment of fee

R.S.O. 1970, c. 375

(5a) The provisions of subsections 4 and 5 do not apply to a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway.

Vehicles exempt from provisions of subss. 4, 5

(2) Subsection 6 of the said section 77 is amended by inserting after "1" in the second line "2b".

s. 77 (6), amended

28.—(1) Table 1 to Part VII of the said Act is amended by striking out "40 or less" in Column One and by striking out "20,000" in Column Two.

Part VII, Table 1, amended

(2) Table 2 to the said Part VII is amended by striking out "80 or less" in Column One and by striking out "35,000" in Column Two.

Part VII, Table 2, amended

29. Subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

s. 106 (1), re-enacted

(1) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle or public utility emergency vehicle upon which a bell or siren is sounding or upon which a lamp located on the roof of the vehicle is producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill,

Fire department vehicles, etc., approaching

- (a) as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection; or
- (b) when on a roadway having more than two lanes for traffic and designated for the use of one-way traffic, as near as is practicable to the nearest curb or edge of the roadway and parallel therewith and clear of any intersection.

- s. 154 (1) (a),
amended **30.**—(1) Clause *a* of subsection 1 of section 154 of the said Act is amended by striking out “222 or subsection 3 of section 225” in the second line and inserting in lieu thereof “234 or subsection 3 of section 238”.
- s. 154 (1) (b),
amended (2) Clause *b* of subsection 1 of the said section 154 is amended by striking out “221” in the first line and inserting in lieu thereof “233”.
- Commence-
ment **31.**—(1) This Act, except sections 8 and 13, subsection 1 of section 14 and sections 16, 25 and 29, comes into force on the day it receives Royal Assent.
- Idem (2) Section 8, subsection 1 of section 14 and sections 16, 25 and 29 come into force on the 30th day of September, 1973.
- Idem (3) Section 13 comes into force on the 1st day of January, 1974.
- Short title **32.** This Act may be cited as *The Highway Traffic Amendment Act, 1973*.

CHAPTER 46

**An Act to amend
The Workmen's Compensation Act**

*Assented to June 12th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a*, clauses *c*, *d* and *e* as re-enacted by the Statutes of Ontario, 1971, chapter 62, section 1, and clause *f* of sub-section 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(a) the necessary expenses of the burial or cremation of the workman, not exceeding \$500;

.

(c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$250;

(d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$250, with an additional monthly payment of \$70 to be increased upon the death of the widow or an invalid husband to \$80 for each child under the age of sixteen years;

(e) where the dependants are children, a monthly payment of \$80 to each child under the age of sixteen years;

(f) where the dependants are persons other than those mentioned in clauses *c*, *d* and *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole \$250 per month.

(2) Clauses *a*, *b* and *c* of subsection 5 of the said section 36, as re-enacted by the Statutes of Ontario, 1971, chapter 62, ^{s. 36 (5) (a-c), re-enacted}

section 1, are repealed and the following substituted therefor:

- (a) where the widow or an invalid husband is the sole dependant, \$250;
- (b) where the dependants are a widow or an invalid husband and one or more children, \$250 for the widow or an invalid husband with a further payment of \$70, to be increased on the death of the widow or an invalid husband to \$80, for each child, not exceeding in the whole \$460; or
- (c) where the dependants are children, \$80 to each child, not exceeding in the whole \$460.

Appli-
cation
of subss. 1, 2

- (3) Subsections 1 and 2 apply to monthly payments coming due on or after the 1st day of July, 1973, whether the accident occurred before or after that date and whether the award of compensation was made before or after that date, and subsections 1 and 2 do not apply to payments due prior to the 1st day of July, 1973.

s. 43.
re-enacted

- 2. Section 43 of the said Act is repealed and the following substituted therefor:

Minimum
amount of
compen-
sation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than,

- (a) for temporary total disability,
 - (i) where his average earnings are not less than \$55 a week, \$55 a week, and
 - (ii) where his average earnings are less than \$55 a week, the amount of such earnings,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

- (b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,
 - (i) for permanent total disability, \$250 a month, and

- (ii) for permanent partial disability, an amount proportionate to that referred to in subclause i in accordance with the impairment of earning capacity.
3. Section 43 of the said Act, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1973*, applies to all pension payments accruing on or after the 1st day of July, 1973, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in section 43 entitles any person to claim additional compensation for any period prior to the 1st day of July, 1973. Application of s. 43
- 4.—(1) Subsection 1 of section 44 of the said Act, as amended s. 44 (1), amended by the Statutes of Ontario, 1971, chapter 62, section 2, is further amended by striking out "\$9,000" in the amendment of 1971 and inserting in lieu thereof "\$10,000".
- (2) Subsection 1 applies only for the purposes of computing Application of subs. 1 average earnings in respect of accidents occurring on or after the 1st day of July, 1973.
5. Section 72 of the said Act is amended by adding thereto the s. 72, amended following subsection:
- (5) The proceedings and decisions of the Board shall not be Non-application of 1971, c. 47 subject to or affected in any way by *The Statutory Powers Procedure Act, 1971*, or by any rules made under it, and the provisions of *The Workmen's Compensation Act* and the R.S.O. 1970, c. 505 regulations made thereunder shall prevail, notwithstanding anything contained in the said *Statutory Powers Procedure Act, 1971* or rules made under it.
6. Subsection 11 of section 118 of the said Act is repealed and the s. 118 (11), re-enacted following substituted therefor:
- (11) Notwithstanding any other provision in this Act, the Board may enter into an agreement with the appropriate Agreements for sharing costs of silicosis claims authority in any other province or territory of Canada to provide for the sharing of costs of silicosis claims in proportion to exposure or estimated exposure to silica dust, for workmen who have had exposure employment in Ontario and who may not qualify for benefits in any other province or territory of Canada because of residence or exposure requirements.
7. This Act comes into force on the 1st day of July, 1973. Commencement
8. This Act may be cited as *The Workmen's Compensation Amendment Act, 1973*. Short title

CHAPTER 47

The Construction Safety Act, 1973*Assented to June 12th, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “caisson” means a casing being sunk or constructed below ground or water level whether or not it is designed to contain air above atmospheric pressure, and includes an excavation drilled by an auger into which a workman enters or is required to enter to work, but does not include a water well or a well within the meaning of *The Petroleum Resources Act*, 1971, c. 94 1971;
- (b) “cofferdam” means a structure constructed all or in part below water level or below the level of the water table in the ground and intended to provide a water-tight place in which to work;
- (c) “conduit” means,
 - (i) a sewer,
 - (ii) a water main,
 - (iii) a duct or cable for a telegraphic, telephonic or electrical service,
 - (iv) a pipe or duct for the transportation of any solid, liquid or gas, or
 - (v) any combination of i, ii, iii, or iv,

and includes any service connection made or intended to be made thereto;

- (d) “construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
- (e) “constructor” means,
 - (i) a person who contracts with any person to undertake all the work on a project, or
 - (ii) an owner who contracts with more than one person for parts of the work on a project, or undertakes all or part of the work on a project himself;
- (f) “Deputy Minister” means the Deputy Minister of Labour;
- (g) “Director” means the officer of the Ministry of Labour designated by the Deputy Minister as Director for the purposes of this Act;
- (h) “employer” means a person who employs one or more workmen and includes a person who is self-employed;
- (i) “inspector” means an inspector appointed for the purposes of this Act, and includes the Director;
- (j) “Minister” means the Minister of Labour;
- (k) “municipality” means,
 - (i) a metropolitan or regional municipality within the meaning of any Act to establish a metropolitan or regional municipality, or
 - (ii) a city, not being an area municipality situate within a metropolitan or regional municipality, and having a population of not less than 100,000 as determined by a census of the municipality taken under section 23 of *The Assessment Act*;
- (l) “owner” includes a tenant or person for whose direct benefit a project exists upon its completion;
- (m) “professional engineer” means a person registered as a professional engineer or a person who is licensed

to practise as a professional engineer under *The Professional Engineers Act*; R.S.O. 1970, c. 366

(n) “project” means,

- (i) a residential, industrial, institutional, commercial, hotel, office or other building, or any part thereof,
- (ii) a bridge, silo, chimney, earth retaining structure, water control structure, dock, material handling structure, elevating or lifting structure, or other structure, or any part thereof,
- (iii) a shaft, tunnel or caisson whether work is under compressed air or not,
- (iv) a street, highway, roadway, railway, monorail, airport runway, parking lot, or any part thereof,
- (v) a conduit, including a trench to be used for the inspection, installation, removal or repair of a conduit,
- (vi) a well other than a well as defined in section 1 of *The Petroleum Resources Act, 1971*, 1971, c. 94
- (vii) any combination of i, ii, iii, iv, v, or vi, or
- (viii) works of a like nature,

under construction whether upon public or private property, and includes any land, any part of a public highway, or private right of way, or any excavations, buildings, structures, works, or undertakings or appurtenances used in connection with the construction;

(o) “regulations” means the regulations made under this Act;

(p) “shaft” means an excavation having a longitudinal axis at an angle greater than 45 degrees to the horizontal,

- (i) for the passage of persons or materials to or from a tunnel, or
- (ii) leading to an existing tunnel;

- (q) “subcontractor” means a person who contracts for part of the work on a project;
- (r) “trench” means any excavation in the ground where the vertical dimension from the highest point of the excavation to the point level with the lowest point of the excavation exceeds the least horizontal dimension of the excavation, such dimensions being taken in a vertical plane at right angles to the longitudinal centre line of the excavation, but does not include a shaft, caisson or cofferdam, or a cutting for the right of way of a public highway or railway;
- (s) “tunnel” means a subterranean passage into which a workman enters or is required to enter to work and which is made by excavating beneath the overburden;
- (t) “workman” means a person who is on a project for any purpose in connection therewith. R.S.O. 1970, c. 81, s. 1, *amended*.

Application
of Act

R.S.O. 1970,
cc. 284, 349

2.—(1) Subject to section 3, and notwithstanding the provisions of *The Municipal Act* or *The Planning Act* or any by-law passed by a municipality thereunder, this Act and the regulations apply to every project within the Province of Ontario, including every project being constructed by or on behalf of the Crown. R.S.O. 1970, c. 81, s. 2, *amended*.

Designa-
tion of
part of
project

(2) The Director may by notice in writing designate that any part of a project shall be deemed to be an individual project for the purposes of this Act and the regulations, and the person who undertakes all the work on the part designated to be an individual project shall be deemed to be the constructor of that part. *New*.

Where Act
does not
apply

3. This Act and the regulations do not apply to a project,

- (a) while the work is being done solely by the owner in person;
- (b) to which *The Mining Act* applies;
- (c) that is situate on a farm and that is to be or is used upon its completion for farming purposes and the work is being done solely by the owner in person with or without the assistance of his farm help;
- (d) that is an excavation made for the burial of a deceased person;

R.S.O. 1970,
c. 274

- (e) that is exempted from this Act or the regulations by the Lieutenant Governor in Council. R.S.O. 1970, c. 81, s. 3, *amended*.

4.—(1) Such inspectors as are considered necessary to enforce this Act and the regulations may be appointed under *The Public Service Act*. Appointment of inspectors R.S.O. 1970, c. 386

(2) The Deputy Minister may designate a person as the Director for purposes of the general administration of this Act and the regulations, including the supervision and direction of the inspectors. Designation of Director

(3) The council of a municipality may, with the consent of the Minister and subject to such terms and conditions as he may consider advisable, appoint one or more persons as inspectors to enforce this Act and the regulations in the municipality. *New*. Appointment of inspectors by a municipality

5.—(1) The Deputy Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector. Certificate of appointment

(2) Every inspector, in the execution of any of his duties under this Act, shall produce his certificate of appointment upon request. R.S.O. 1970, c. 81, s. 9, *amended*. Production of certificate

6.—(1) An inspector may for the purposes of carrying out his duties under this Act and the regulations, Powers of inspector

- (a) subject to subsection 4, enter in or upon any land or premises at any time without a warrant ;
- (b) take up or use at any time any property, real or personal, for purposes necessary or advisable to protect any workman on a project ;
- (c) require the production of the drawings and specifications of a project or any part thereof, including any drawings prescribed by the regulations, for his inspection and may require information from any person concerning any matter related to a project or part thereof ;
- (d) be accompanied by any person who has special or expert knowledge of any matter in relation to a project or part thereof ;
- (e) alone or in conjunction with such other person or persons possessing special or expert knowledge, make

such examinations, tests, inquiries, or, subject to subsections 2 and 3, take such samples or photographs as are necessary to ascertain whether this Act and the regulations are being complied with;

- (f) require that a constructor provide a document or drawing bearing the seal and signature of a professional engineer certifying that a structure, part of a structure or temporary works on a project will support all loads to which it is likely to be subjected at any stage during the progress of the work or undertaking;
- (g) require that a subcontractor provide a document or drawing bearing the seal and signature of a professional engineer certifying that the part of the work on a project under his control will support all loads to which it is likely to be subjected while under his control. R.S.O. 1970, c. 81, s. 10 (1), *amended*.

Samples

(2) Where an inspector takes a sample under clause *e* of subsection 1, the inspector shall divide the sample into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.

Idem

(3) Where an inspector takes a sample under clause *e* of subsection 1 and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken if the person so requests at the time the sample was taken.

Entry to dwellings

(4) An inspector shall not enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. *New*.

R.S.O. 1970, c. 450

Obstruction of inspector

7.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act. R.S.O. 1970, c. 81, s. 12, *amended*.

Assistance of inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or duties under this Act. R.S.O. 1970, c. 81, s. 13, *amended*.

Refusal to produce

(3) No person shall neglect or refuse to produce any drawings and specifications as required by an inspector under clauses *c*, *f* and *g* of subsection 1 of section 6.

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act. R.S.O. 1970, c. 81, s. 11 (2), *amended*. False information, etc.

8.—(1) An inspector, a person who accompanies an inspector, or a person who makes an examination, test, or inquiry, or takes samples shall not publish, disclose or communicate to any person any information, material, statement or result of any test, acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act or the regulations. Information confidential

(2) No report of an inspector, a person who, at the request of an inspector, accompanies an inspector, or a person who, at the request of an inspector, makes an examination, test, inquiry or takes samples shall be communicated, disclosed or published to any person except for the purposes of carrying out his duties under this Act or the regulations. Idem

(3) Neither an inspector nor a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is a compellable witness in a civil suit or proceeding respecting any information, material, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act. Compellability in civil suit

(4) The Director may communicate or allow to be communicated, disclosed or published information, material, statements, or the result of a test acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations. Power of Director to disclose

(5) No person to whom information is communicated under this section or sections 6 and 7 shall divulge the name of the informant to any person except for the purposes of this Act. Informant confidential
New.

9.—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. Liability of inspector

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Liability of Crown
R.S.O. 1970, c. 365

Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New.*

Notice of project

10.—(1) Where the regulations so require, before work is done on a project, the constructor shall give to the Director the notice prescribed by the regulations.

Posting copy of notice

(2) Before work is done on a project, the constructor shall post or have available for review on the project a copy of the notice required by subsection 1.

Sub-contractor to ensure notice given

(3) No subcontractor shall do work on a project until he has ensured that the notice required by subsection 1 has been given.

Emergency work

(4) Notwithstanding subsection 1, where it is necessary to do work on a project immediately in order to prevent injury to persons or damage to property, work on the project may be begun without complying with subsection 1, but, in any such case, the notice shall be given to the Director as soon as practicable after work on the project begins. *New.*

Order by inspector

11.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened he may give to the constructor, the subcontractor, the person whom he believes to be the contravener or to the employer or the foreman of that person, an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies. R.S.O. 1970, c. 81, s. 16 (1), *amended.*

Idem

(2) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention and its location on the project. *New.*

Idem

(3) Where an inspector gives an order under this section and he considers that the contravention of this Act or the regulations is a serious danger or hazard to persons or property he,

(a) shall order that any matter or thing, part or parts thereof shall not be used until the order is complied with; and

(b) may order that all work on the project or part thereof specified in the order, other than such work as is necessary to comply with the order, shall stop until his order is complied with or until written permission to resume work has been given by an inspector.

(4) Where an inspector is of the opinion that this Act or the regulations are being contravened on a part of a project, he may order the person who in his opinion is the contravener, or the foreman of that person, or the constructor, or any of them to isolate that part by barricades or fencing suitable to prevent access to that part by workmen on the project and no person shall knowingly enter that part of the project, except for those workmen who enter that part only for the purpose of doing work necessary to ensure that this Act or the regulations are complied with on that part of the project. R.S.O. 1970, c. 81, s. 16 (1), *amended*. ^{Idem}

(5) Every person to whom an order under this Act is given shall comply with it in accordance with its terms. R.S.O. 1970, c. 81, s. 16 (3). ^{Compliance with order}

(6) Where an inspector gives an order under this section he may affix a copy thereof to the project or any part thereof, and no person except an inspector or the Director shall remove such copy unless authorized by the inspector or the Director. R.S.O. 1970, c. 81, s. 16 (2), *amended*. ^{Affixing copy of order}

12.—(1) Any person who considers himself aggrieved by an order given or decision made by an inspector under this Act or the regulations may appeal to the Director who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order or decision appealed from pending disposition of the appeal. ^{Appeal from inspector}

(2) An appeal to the Director may be made in writing or orally or by telephone, but the Director may require the grounds for the appeal to be specified in writing before the appeal. ^{Method}

(3) The appellant, the inspector from whom the appeal is taken and such other persons as the Director may specify are parties to an appeal under this section. ^{Parties}

(4) On an appeal under this section, the Director may substitute his findings or opinions for those of the inspector who made the decision appealed from and may rescind or affirm the decision or make a new decision in substitution therefor and for such purpose has all the powers of an inspector and the decision of the Director shall stand in the place of and have the like effect under this Act and the regulations as the decision of the inspector. ^{Powers of Director}

(5) In this section, a decision of an inspector under this Act or the regulations includes any order or permission made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or ^{What constitutes decision}

the refusal thereof by an inspector, or the making of any finding by an inspector under this Act or the regulations.

Decision
of
Director
final

(6) A decision of the Director under this section is final. *New.*

Non-compliance
with
order of
inspector

13.—(1) Where a person is charged with failure to comply with an order of an inspector given under section 11 or 12, a judge or local judge of the Supreme Court, upon application of the inspector who gave the order or the Director and upon two clear days notice to the accused person, may grant an order restraining the accused person and any other person having knowledge of the restraining order from continuing the work specified in the restraining order until the final disposition of the charge other than such work as is necessary to carry out the order of the inspector.

Ex parte
restraining
order

(2) Notwithstanding the notice required by subsection 1, a restraining order may be made for a period not exceeding five days upon an *ex parte* application.

Enforce-
ment

(3) A restraining order made under subsection 1 or 2 may be entered and enforced in the same manner as an order or judgment of the Supreme Court. R.S.O. 1970, c. 81, s. 17, *amended.*

Duties of
constructor;
provision of
equipment

14.—(1) A constructor shall ensure that the equipment, materials and protective devices prescribed by the regulations are provided on the project.

maintenance
and use of
equipment

(2) A constructor shall ensure that the equipment, materials and protective devices provided by him are,

(a) maintained in good condition; and

(b) used as prescribed by the regulations.

procedures

(3) A constructor shall ensure that the measures and procedures prescribed by the regulations are carried out on the project.

reasonable
precautions

(4) A constructor shall take every precaution reasonable in the circumstances for the protection of a workman on a project, but this provision shall not be applied to affect the strict duties imposed on a constructor by subsections 1, 2 and 3. R.S.O. 1970, c. 81, s. 18, *amended.*

Duties of
subcon-
tractor;
provision of
equipment

15.—(1) A subcontractor shall ensure that the equipment, materials and protective devices prescribed by the regulations are provided on the part of the project under his direct control.

maintenance
and use of
equipment

(2) A subcontractor shall ensure that the equipment, materials and protective devices provided by him are,

- (a) maintained in good condition; and
- (b) used as prescribed by the regulations.

(3) A subcontractor shall ensure that the measures and ^{procedures} procedures prescribed by the regulations are carried out on the part of the project under his direct control.

(4) A subcontractor shall take every precaution ^{reasonable} reasonable in the circumstances for the protection of workmen on the part of the project under his direct control, but this provision shall not be applied to affect the strict duties imposed by subsections 1, 2 and 3. R.S.O. 1970, c. 81, s. 18, *amended*.

16. Where an owner is a constructor and has delegated by ^{Duty of} contract to a person the management of the work on a project, such person is, in addition to the owner, subject to the duties imposed upon a constructor by this Act and the regulations. *New.*

17.—(1) Every employer of a workman and every person ^{Duties of} with authority over a workman shall ensure that the workman ^{employer} works in the manner and with the protective devices, measures and procedures prescribed by this Act and the regulations. ^{and foremen}

(2) Every employer shall appoint one or more competent ^{Appoint-} persons to exercise direction and control over workmen ^{ment of} employed by the employer and one such person may be the ^{persons} employer. ^{to direct} ^{workmen}

(3) A person appointed to exercise direction and control ^{Warning} over workmen shall advise the workmen under his direction ^{of} and control of any potential hazard in connection with the ^{potential} work to be done by the workmen. ^{hazard}

(4) An employer shall not discharge or discipline or threaten ^{Reprisal} to discharge or discipline an employee because the employee ^{prohibited} has sought the enforcement of this Act or the regulations or has acted in compliance with this Act or the regulations. *New.*

18.—(1) A workman shall work in compliance with the ^{Duty of a} requirements of this Act and the regulations. ^{workman}

(2) In addition to compliance with subsection 1, a workman ^{Protective} shall use or wear protective devices or clothing as his ^{clothing} employer may require.

(3) No workman shall conduct himself so that he is likely to ^{Workman} endanger himself or other persons. *New.* ^{not to} ^{endanger} ^{himself}

Removal of safety devices	<p>19.—(1) No person shall remove or make ineffective any protective device required by this Act or the regulations without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced forthwith.</p>
Reporting accidents	<p>(2) A workman shall forthwith report to his foreman or supervisor any accident to himself, any contravention of this Act or the regulations, or the existence of any hazard of which the workman has knowledge. <i>New.</i></p>
Use of defective equipment	<p>20. Where any machine, device or thing on a project is in contravention of this Act or the regulations, no person shall knowingly use or operate or cause or permit the machine, device or thing to be used or operated. <i>New.</i></p>
Manner of use of equipment	<p>21. No person shall use or operate any machine, device or thing on a project in a manner that does not comply with this Act and the regulations. <i>New.</i></p>
Working under-ground	<p>22. No person shall work in a trench, shaft, tunnel, caisson or cofferdam to which this Act applies unless another person is working above ground in close proximity to, or in close proximity to the means of access to, the trench, shaft, tunnel, caisson or cofferdam. <i>New.</i></p>
Person under sixteen years	<p>23.—(1) No person with authority over a workman on a project shall knowingly permit a person under the age of sixteen years to be on a project.</p>
Idem	<p>(2) No person shall knowingly employ a person under the age of sixteen years on a project. R.S.O. 1970, c. 81, s. 19, <i>amended.</i></p>
Provision of defective machine	<p>24.—(1) No person shall provide any machine, vehicle, tool, or equipment, or any part thereof, for use by a person on a project if the machine, vehicle, tool, equipment or part is defective.</p>
Maintenance of machine leased	<p>(2) A person supplying any machine, vehicle, tool or equipment, or any part thereof under any rental, leasing or similar arrangement for use by a person on a project shall ensure that the machine, vehicle, tool or equipment or part thereof is maintained in good condition. R.S.O. 1970, c. 81, s. 21, <i>amended.</i></p>
Notice of death or critical injury	<p>25.—(1) Where on a project a person is killed or critically injured from any cause, his employer or foreman, the constructor and any person with authority over the project shall ensure that an inspector is notified immediately of the occur-</p>

rence by telephone, telegram or other direct means, and the constructor shall, within forty-eight hours after the occurrence, send to the Director a written report of the circumstances of the occurrence, including the particulars of,

- (a) the name and address of the constructor;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained;
- (c) the machinery or equipment involved;
- (d) the time and place of the occurrence;
- (e) the name and address of the injured person;
- (f) the names and addresses of all witnesses to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury. R.S.O. 1970, c. 81, s. 23 (1), *amended*.

(2) Where a person is killed or is critically injured on a project, no person shall, except for the purpose of, Preservation of wreckage

- (a) saving life or relieving human suffering; or
- (b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector. R.S.O. 1970, c. 81, s. 23 (3), *amended*.

26.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. General penalty

(2) Every person to whom an order of an inspector is given under section 11 or 12, who fails to comply with it in accordance with its terms, is guilty of an offence and, on summary conviction is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$500 per day for every day upon which the offence continued after such order was given. R.S.O. 1970, c. 81, s. 25, *amended*. Penalty for failure to comply with order of inspector

27. In any prosecution for an offence under this Act, a copy of a direction or order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act to make the direction or order is *prima facie* proof of the direction or order without proof of the signature or authority of the person by whom it purports to be signed. *New*. Proof of order

Hearing of
information

28. An information in respect of an offence under this Act or the regulations may, at the election of the informant, be heard, tried and determined by the Provincial Court (Criminal Division) having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. *New.*

Levy on
construction
industry

R.S.O. 1970,
c. 505

29.—(1) The Lieutenant Governor in Council may, by order, fix an amount that shall be assessed and levied by the Workmen's Compensation Board upon the employers in Schedule 1 under *The Workmen's Compensation Act* engaged in projects, in an amount sufficient to defray the expenses of the administration of this Act by the Ministry of Labour.

Collection
of levy

(2) The Workmen's Compensation Board shall add to the assessment and levy made under *The Workmen's Compensation Act* upon each employer in Schedule 1 thereunder engaged in projects a sum which shall be calculated as a percentage of the said assessment and levy and which percentage shall be determined as the proportion that the amount fixed under subsection 1 bears to the total sum that the Workmen's Compensation Board fixes and determines to be assessed for payment by all employers in Schedule 1 engaged in projects, and *The Workmen's Compensation Act* applies to such sum and to the collection and payment thereof in the same manner as to an assessment and levy made under that Act.

Payment to
Treasurer

(3) The Workmen's Compensation Board shall collect the assessment and levy imposed under this section and shall pay the amounts so collected to the Treasurer of Ontario. *New.*

Notice of
injury to
person

30.—(1) Where an accident, industrial disease, explosion or fire causes injury to a person on a project whereby he is disabled from earning full wages or requires medical attention, and such occurrence does not require notice to an inspector and the sending of a written report to the Director as prescribed by subsection 1 of section 25, a notice in writing of the occurrence shall be given to the Director by the employer of the injured person stating,

- (a) the name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence;
- (c) the time and place of the occurrence; and
- (d) the name and address of the injured person.

Time for
notice

(2) Such notice shall be given within four days after the occurrence.

(3) This section does not apply where a notice required to be given by an employer to the Workmen's Compensation Board by section 117 of *The Workmen's Compensation Act* has been delivered or mailed to the Workmen's Compensation Board as required by the said section 117.

Notice
under
R.S.O. 1970,
c. 505, s. 117
sufficient

(4) Where a notice required to be given by section 117 of *The Workmen's Compensation Act* is received by the Workmen's Compensation Board from an employer, a copy shall be forwarded by the Board to the Director. R.S.O. 1970, c. 81, s. 22, *amended*.

Board to
give
notice
R.S.O. 1970,
c. 505

31.—(1) The Lieutenant Governor in Council may make such regulations as he considers advisable to ensure the protection of persons on projects.

Regulations

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

Idem

1. prescribing forms and providing for their use;
2. requiring and prescribing notices in one or more languages that shall be posted;
3. prescribing the projects of which notice is to be given to the Director;
4. prescribing the records that shall be made and kept;
5. requiring the submission of such drawings, specifications, details of procedures and other information as are prescribed and prescribing by whom such information shall be prepared or certified;
6. requiring and providing for the registration of employers of workmen engaged in the construction of projects or parts of projects;
7. regulating or prohibiting the installation or use of any machine, device or thing or any class thereof;
8. requiring and regulating protective clothing and devices for persons who are exposed to any hazards;
9. regulating the handling, use and disposal of any poisonous, dangerous or harmful material, substance or thing;
10. respecting protection from fire;
11. respecting the provision and maintenance of any sanitary convenience or welfare provision;

12. regulating the exposure by persons to specified atmospheric conditions;
13. requiring medical examinations of workmen and prescribing the reports to be made of such examinations;
14. respecting the reporting by physicians and others of affection from dangerous or harmful substances or poisoning;
15. requiring persons to transmit to the Director such returns and reports as are prescribed;
16. prescribing the medical facilities that shall be provided for medical treatment in cases of accident or sickness and the supervision of the general health of workmen during working hours;
17. requiring that any machine, device or thing used bears the seal of approval of an organization designated to test and approve the machine, device or thing;
18. requiring the approval of an inspector in respect of any method, matter or thing.
19. adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted.
R.S.O. 1970, c. 81, s. 26, *amended*.

R.S.O. 1970,
c. 81,
repealed

32.—(1) *The Construction Safety Act*, being chapter 81 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 469,
repealed

(2) *The Trench Excavator's Protection Act*, being chapter 469 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 117, s. 11 (1),
repealed

(3) Subsection 1 of section 11 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed.

1971 Act,
amended

(4) Sections 22 and 83 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50, are repealed.

Commence-
ment

33. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

34. This Act may be cited as *The Construction Safety Act, 1973*.

CHAPTER 48

**An Act to amend
The Municipality of Metropolitan Toronto Act**

*Assented to June 12th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 6 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(5) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

Declaration
of office
R.S.O. 1970,
c. 284

2. Section 16 of the said Act is repealed.

s. 16,
repealed

3. Subsection 2 of section 17 of the said Act is repealed and the following substituted therefor:

s. 17 (2),
re-enacted

(2) Sections 190, 194, 200 and subsections 2 and 3 of section 209 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation.

Idem

4. Subsection 3 of section 21 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act*, 1972.

s. 21 (3),
amended

5. Section 148 of the said Act is amended by adding thereto the following subsection:

s. 148,
amended

(1a) On the 1st day of January, 1974, that portion of the Township of Pickering described as follows is annexed to The Corporation of the Borough of Scarborough:

Portion of
Pickering
annexed to
Scarborough

COMMENCING at a point in the western boundary of the Township of Pickering, where it is intersected by the middle of the main channel of the Little Rouge Creek;

THENCE in a general southeasterly direction following the middle of the main channels of the Little Rouge Creek and the Rouge River to its mouth at Lake Ontario;

THENCE southerly on the same course as the western boundary of the Township of Pickering to the International Boundary between Canada and the United States of America;

THENCE westerly along the said International Boundary to the southwest angle of the Township of Pickering;

THENCE northerly along the west boundary of the Township of Pickering, being along the boundary between the Township of Pickering and the Borough of Scarborough to the point of commencement.

Form 2,
par. 4,
repealed

6. Paragraph 4 of Form 2 of the said Act is repealed.

Pedestrian
promenades,
Yonge St.

7.—(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Gerrard Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 20th day of June and the 12th day of September in the year 1973 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

Idem,
Trinity
Square,
etc.

(2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Gerrard Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 20th day of June and the 12th day of September in the year 1973 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable.

Contribution
by City
toward costs

(3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

- (4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section. Right to damages by reason of creation of promenade
- (5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6. Application of R.S.O. 1970, c. 284, s. 466
- (6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws, By-laws
- (a) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;
 - (b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;
 - (c) prohibiting or regulating and licensing any display, exhibition or advertising thereon;
 - (d) prohibiting or regulating and licensing the distribution or sale of literature, pamphlets, play bills or advertising thereon; and
 - (e) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences.
- (7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause *a, b, c* or *d* of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section. Effect on licences issued by Licensing Commission
8. The Metropolitan Council may, to such extent as it thinks fit, pay the legal costs incurred by the Ukrainian Canadian Com- Indemnification of Ukrainian Canadian Committee

mittee in respect of the inquiry held by His Honour Judge I. A. Vannini, as a Commissioner under *The Public Inquiries Act*, being chapter 379 of the Revised Statutes of Ontario, 1970, into the circumstances respecting the conduct of the public and the members of the Metropolitan Toronto Police Force at or in the vicinity of the Ontario Science Centre on the 25th day of October, 1971.

- Commence-
ment
9. This Act comes into force on the day it receives Royal Assent.
- Short title
10. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1973*.

CHAPTER 49

An Act to amend The Law Society Act

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act*, being chapter 238 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

23a.—(1) The Lieutenant Governor in Council may appoint four persons who are not members to be benchers of whom two shall be persons ordinarily resident in The Municipality of Metropolitan Toronto and two shall be persons ordinarily resident in Ontario outside of The Municipality of Metropolitan Toronto, and each person so appointed has all the rights and privileges of an elected bencher.

Benchers
appointed
by
L.G. in C.

(2) The appointment of every person appointed under sub-section 1 expires at the first regular Convocation following the election of benchers held next after the effective date of his appointment, and a person whose appointment expires is eligible for reappointment.

Expiration
of appoint-
ment

2. Section 26 of the said Act is repealed and the following substituted therefor:

s. 26.
re-enacted

26. The Treasurer shall convene a meeting in each year consisting of,

Meeting

- (a) the chairman and the vice-chairman of each standing committee;
- (b) the president of each county or district law association, or his nominee, being a member of his association; and
- (c) one member who is a full-time teacher at each law school in Ontario approved by the Society, to be appointed annually by the faculty of the law school,

to consider the manner in which the members of the Society

are discharging their obligations to the public and generally matters affecting the legal profession as a whole.

ss. 51a to 51h,
enacted

3. The said Act is further amended by adding thereto the following sections:

THE LAW FOUNDATION OF ONTARIO

Interpre-
tation

51a. In this section and in sections 51b, 51c, 51d, 51e, 51f, 51g and 51h,

- (a) "board" means the board of trustees of the Foundation;
- (b) "Foundation" means The Law Foundation of Ontario established under section 51b;
- (c) "trustee" means a trustee of the board.

Foundation
established

51b.—(1) There is hereby established a corporation without share capital under the name of "The Law Foundation of Ontario", which shall consist of the trustees for the time being of the board.

Application
of R.S.O.
1970, c. 89

(2) *The Corporations Act* does not apply to the Foundation.

Board of
trustees

51c.—(1) The affairs of the Foundation shall be managed and controlled by a board of trustees consisting of five trustees of whom two shall be appointed by the Attorney General and three shall be appointed by the Society.

Quorum

(2) Three trustees constitute a quorum.

Vacancies

(3) Where there are not more than two vacancies in the membership of the board, the remaining trustees constitute the board for all purposes.

Remunera-
tion

(4) The trustees shall serve without remuneration, but each trustee is entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the board.

Audit

(5) The accounts and financial transactions of the Foundation shall be audited annually by an auditor or auditors appointed by the board.

Annual
report

(6) The board shall make a report annually to the Attorney General on the activities of the Foundation, including the report of the auditor under subsection 5, and the Attorney General shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

51*d*.—(1) The objects of the Foundation are to establish ^{Objects} and maintain a fund to be used for any or all of the following purposes:

1. Legal education and legal research.
2. Legal aid.
3. The establishment, maintenance and operation of law libraries.

(2) The funds of the Foundation shall be derived from, ^{Derivation of funds}

- (a) moneys received from members under section 51*f*;
- (b) gifts, bequests and devises referred to in section 51*e*; and
- (c) moneys resulting from the use, disposal or investment of property received under clauses *a* and *b*.

(3) The board shall apply the funds of the Foundation ^{Application of funds} for such of its purposes as the board considers appropriate but at least 75 per cent of the net revenue received in each year under clause *a* of subsection 2 shall be paid to the Legal Aid Fund established under *The Legal Aid Act*.

R.S.O. 1970,
c. 239

51*e*.—(1) In addition to the powers and privileges mentioned ^{Powers of Foundation} in section 26 of *The Interpretation Act*, the Foundation has ^{R.S.O. 1970, c. 225} power,

- (a) to invest the funds of the Foundation in such classes of securities as trustees are authorized to invest trust funds;
- (b) to pay out of the funds of the Foundation the costs, charges and expenses necessarily incurred in the administration of the Foundation and in carrying out its objects;
- (c) to enter into agreements with any person and pay and apply any of its funds for the implementation of its objects.

(2) The Foundation has power to receive gifts, bequests ^{Gifts, devises, etc.} and devises of property, real or personal, and to hold, use or dispose of such property in furtherance of the objects of the Foundation, subject to the terms of any trust affecting the same.

Idem

(3) Any form of words is sufficient to constitute a gift, bequest or devise to the Foundation so long as the person making the gift, bequest or devise indicates an intention to contribute presently or prospectively to the Foundation.

Powers of
the board

(4) The board may pass by-laws not contrary to this Act to achieve the objects of the Foundation and to regulate and govern its procedure and the conduct and administration of the affairs of the Foundation.

Trust funds
to bear
interest

51f.—(1) Every member who holds money in trust for or on account of more than one client in one fund shall hold the money in an account at a chartered bank, provincial savings office or registered trust company, bearing interest at a rate approved by the trustees.

Interest
in trust

(2) The interest accruing on money held in an account referred to in subsection 1 shall be deemed to be held in trust for the Foundation.

Payment to
Foundation

(3) Every member to whom subsection 1 applies shall,

- (a) file reports with the Foundation as to the interest referred to in subsection 2; and
- (b) remit or cause to be remitted to the Foundation all interest moneys referred to in subsection 2,

in the manner and at the times prescribed by the regulations.

Immunity

(4) Subject to subsection 5, a member is not liable, whether as solicitor or as trustee, to account to any person as client or as settlor or beneficiary of the trust other than the Foundation, for interest on moneys held under subsection 1.

Exceptions

(5) Nothing in this section shall be deemed to affect,

- (a) any arrangement in writing between a member and the person for whom he holds money in trust as to the disposition of the interest accruing thereon; or
- (b) any entitlement by a client to the interest accruing on money held in trust in an account separate from any other money.

Report by
Society

51g.—(1) The Society shall in each year report to the Foundation the name and office or residence address shown by the records of the Society of every member who files a report with the Society that shows the member holds money on deposit in a trust account for or on account of clients.

(2) The Foundation may require a member whose name is ^{Report by member} contained in a report by the Society under subsection 1 to file a report with the Foundation stating whether or not the member has received or been credited with interest on moneys held by him in a trust account for or on account of clients.

51*h*. Subject to the approval of the Lieutenant Governor ^{Regulations} in Council, the board may make regulations,

- (a) governing the form, content and filing of the reports required under section 51*f*;
- (b) governing the time and manner of remitting the interest moneys referred to in section 51*f* to the Foundation;
- (c) prescribing the form and the time of filing of reports required under section 51*g*.

4.—(1) This Act, except section 3, comes into force on the day ^{Commence-} it receives Royal Assent. ^{ment}

(2) Section 3 comes into force on a day to be named by ^{Idem} the Lieutenant Governor by his proclamation.

5. This Act may be cited as *The Law Society Amendment Act*, ^{Short title} 1973.

CHAPTER 50

An Act to amend The Legal Aid Act*Assented to June 22nd, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 5 of *The Legal Aid Act*, <sup>s. 5 (1) (a),
amended</sup> being chapter 239 of the Revised Statutes of Ontario, 1970, is amended by inserting after "Fund" in the third line "all moneys payable by The Law Foundation of Ontario."
2. This Act comes into force on a day to be named by the <sup>Commence-
ment</sup> Lieutenant Governor by his proclamation.
3. This Act may be cited as *The Legal Aid Amendment Act, 1973*. ^{Short title}

CHAPTER 51

**An Act to provide for
Planning and Development in Ontario**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "development plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering any area of land in Ontario defined therein, designed to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts and maps describing the program and policy;
- (b) "local plan" means an official plan approved by the Minister or by the Ontario Municipal Board under *The Planning Act*;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "zoning by-law" means a by-law passed under section 35 of *The Planning Act* or any predecessor thereof and approved by the Ontario Municipal Board.

R.S.O. 1970,
c. 349

2.—(1) The Minister may by order establish as a development planning area any area of land in Ontario defined in the order.

Minister
may establish
development
planning
area

(2) Where a development planning area has been established under subsection 1, the Minister shall include in the order a direction that there be carried out an investigation and survey

Direction by
Minister to
prepare
development
plan

of the environmental, physical, social and economic conditions in relation to the development of the planning area or any part thereof, and that there be prepared within a period of two years or such other period of time as the Minister in his order determines, a development plan for the planning area or part thereof.

Order to be
laid before
Assembly

(3) Where any order is made under subsection 1, the Minister shall, on the day the order is made, or as soon thereafter as is practicable, lay the order before the Assembly if it is in session, or if not, at the commencement of the next ensuing session and the Assembly shall, by resolution declare the order approved, revoked or varied.

Advisory
committees

3. The Minister shall establish two or more advisory committees, consisting of such persons as the Minister appoints, one of which will represent the municipalities in the development planning area in whole or in part and one of which will be broadly representative of the people of the development planning area, to advise and make recommendations to the Minister in respect of the preparation and implementation of any development plan and to perform any other function given to them by the Minister.

Consultation
with
municipalities

4. In respect of an area for which a development plan is being prepared, the Minister shall ensure that the council of each municipality within the area is consulted with respect to the proposed contents of the plan.

Contents of
plan

5. A development plan may contain,

- (a) policies for the economic, social and physical development of the area covered by the plan in respect of,
 - (i) the general distribution and density of population,
 - (ii) the general location of industry and commerce, the identification of major land use areas and the provision of major parks and open space and the policies in regard to the acquisition of lands,
 - (iii) the management of land and water resources,
 - (iv) the control of all forms of pollution of the natural environment,
 - (v) the general location and development of major servicing, communication and transportation systems,

- (vi) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
- (vii) such other matters as are, in the opinion of the Minister, advisable;
- (b) policies relating to the financing and programming of public development projects and capital works;
- (c) policies to co-ordinate planning and development among municipalities within an area or within separate areas, defined by the Minister; and
- (d) such policies as are, in the opinion of the Minister, advisable for the implementation of the plan.

6.—(1) In respect of an area for which a development plan is being prepared, the Minister shall ensure that,

Proposed plan to be furnished to municipalities, etc.

- (a) each municipality within the area is furnished with a copy of the proposed plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to it, as is specified;
- (b) a notice is published in one or more newspapers having general circulation in the area notifying the public of the proposed plan, indicating where a copy of the plan together with the material used in preparation thereof mentioned in subsection 5 can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified; and
- (c) any advisory committee appointed under section 3 and empowered under that section to make recommendations relating to the preparation and implementation of a development plan covering the area is furnished with a copy of the proposed plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to the committee, as is specified.

(2) After the expiration of the time for the making of comments on the proposed plan, the Minister shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within

the area for the purpose of receiving representations respecting the contents of the plan by any person desiring to make representations.

Notice of
hearing

(3) The hearing officer shall fix the time and place for the hearing or hearings as determined under subsection 2, and shall publish notice thereof in one or more newspapers having in his opinion general circulation in the area.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing.

Procedure
at hearing

(5) At any such hearing the Minister or officials of his ministry shall present the proposed plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the plan may be questioned on any aspect of the plan by any interested person.

Report of
hearing
officer

(6) Not less than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Minister prescribes the hearing officer shall report to the Minister a summary of the representations made together with a report stating whether the plan should be accepted, rejected or modified, giving his reasons therefor.

Inspection
of report

(7) A copy of the report of the hearing officer shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the area, and in such other offices and locations as the Minister determines for inspection by any person desiring to do so.

Submission
of plan to
Lieutenant
Governor in
Council

(8) After giving consideration to the comments received and the report of the hearing officer, the Minister shall submit the proposed plan with his recommendations thereon to the Lieutenant Governor in Council.

When report
not approved

(9) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report of the hearing officer be approved, then the Minister shall give public notice to this effect, state his intention, and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

(10) The Lieutenant Governor in Council may approve the plan, or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the plan is the development plan for the area defined in it. Approval of plan by Lieutenant Governor in Council

7.—(1) A copy of every development plan and of every amendment or modification thereto certified by the Minister shall be lodged forthwith with the clerk of each municipality, all or part of which is within the area covered by the plan. Lodging of plan

(2) A copy of every development plan and of every amendment or modification thereto certified by the Minister shall be lodged forthwith in every land registry office of lands within the area covered by the plan, where it shall be made available to the public as a production. Idem

8.—(1) An amendment to any development plan that is in effect may be initiated by the Minister, and application may be made to the Minister by any person, ministry or municipality requesting an amendment to the plan. Amendment to plan

(2) Where the Minister initiates an amendment to a development plan or, subject to subsection 3, where the Minister receives an application requesting an amendment to a plan, the provisions of this Act in respect of a development plan relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the consideration of the proposed amendment, following which the Minister shall submit the amendment with his recommendations thereon to the Lieutenant Governor in Council and the Lieutenant Governor in Council may refuse to approve the amendment or may approve it or may approve the amendment with such modifications as the Lieutenant Governor in Council considers desirable, and in the event an amendment is approved, the development plan as so amended is thereupon the development plan for the area defined in it. Approval of amendment to plan by Lieutenant Governor in Council

(3) Where, in the opinion of the Minister, an application for an amendment is not made in good faith, or is frivolous or is made only for the purpose of delay, the Minister shall inform the applicant in writing of his opinion and notify the applicant that unless he makes written representations thereon to the Minister within such time as the Minister specifies in the notice, not being less than fifteen days from the time the notice is given, the provisions of subsection 2 in respect of the consideration of the amendment shall not apply, and approval of the amendment shall be deemed to be refused. Frivolous, etc., applications

(4) Where representations are made to the Minister under subsection 3, the Minister, after giving consideration thereto, Idem

shall inform the applicant in writing either that the Minister's opinion is confirmed and that approval of the amendment is deemed to be refused or that he has directed that consideration of the amendment be proceeded with in accordance with subsection 2.

By-laws, etc.,
to conform
to plan

9.—(1) Notwithstanding any other general or special Act, where there is a development plan,

(a) no municipality or local board having jurisdiction in the area covered by the plan, or in any part thereof, and no ministry, shall undertake any improvement of a structural nature or any other undertaking within the area covered by the development plan; and

(b) no municipality having jurisdiction in such area shall pass a by-law for any purpose,

that is in conflict with the development plan.

Minister may
deem by-law,
etc., conforms
to plan

(2) The Minister, upon the application of the council of a municipality having jurisdiction in the area covered by a development plan, or in any part thereof, may, in writing, declare that a by-law, improvement or other undertaking of such municipality shall be deemed not to conflict with the development plan, if the Minister is of the opinion that the by-law, improvement or other undertaking conforms with the general intent and purpose of the development plan.

Conflict

10. Notwithstanding any other general or special Act, where a development plan is in effect in any area and there is a conflict between any provision of the development plan and any provision of a local plan or any provision of a zoning by-law covering part or all of the same area, then the provision of the development plan prevails.

Minister may
require
submission of
proposals to
resolve
conflict

11.—(1) Where, in the opinion of the Minister, a local plan or a zoning by-law is in conflict with the provisions of any development plan that covers in whole or in part the same area, the Minister shall advise the council of the municipality that adopted the local plan or that passed the zoning by-law of the particulars wherein the local plan or zoning by-law conflicts with the development plan and shall invite the municipality to submit, within such time as the Minister specifies, proposals for the resolution of the conflict.

Power of
Minister to
amend
local plan

(2) Where the council of a municipality fails to submit proposals to resolve the conflict within the time specified by the Minister, or where after consultation with the Minister

on such proposals, the conflict cannot be resolved and the Minister so notifies in writing the council of the municipality, the Minister may by order amend the local plan so as to make it conform to the development plan, and the order when made shall have the same effect as though it were an amendment to the local plan made by the council of the municipality and approved by the Minister.

12. Nothing in this Act derogates from the power of the Minister to make an order under clause *a* of subsection 1 of section 32 of *The Planning Act* and, notwithstanding subsection 4 of the said section 32, where there is a development plan in effect in the area to be covered by the order, any such order may be made that does not conform to a local plan in effect in the area, provided the order conforms to the development plan.

Power of
Minister
re zoning

R.S.O. 1970.
c. 349

13. Where a development plan is in effect in a municipality or any part thereof and the municipality does not have a local plan in effect or has not passed a zoning by-law or by-laws covering the municipality or that part of the municipality covered by the development plan, the council of the municipality, upon being notified in writing by the Minister of that fact, shall, within such time as is specified in the notice, prepare and adopt a local plan or pass a zoning by-law or by-laws that conform to the development plan and submit to the Minister the local plan for approval or submit to the Ontario Municipal Board the zoning by-law or by-laws for approval, as the case requires.

Minister
may require
adoption
of local plan
or passage of
zoning by-law

14.—(1) Not later than five years from the day on which a development plan comes into effect, the Minister shall cause a review of the plan to be undertaken, and the provisions of this Act in respect of a development plan relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the review, following which the Minister shall submit to the Lieutenant Governor in Council a report on the review of the development plan with his recommendations thereon.

Review of
plan

(2) The Lieutenant Governor in Council may confirm the development plan or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the confirmed plan or the modified plan as the case may be is the development plan for the area defined in it.

Lieutenant
Governor in
Council may
confirm plan
or approve
modifications

(3) Subsections 1 and 2 apply *mutatis mutandis* to the confirmed or modified development plan, and so on at intervals of not greater than five years, to the end that every develop-

Continuing
review of
plan

ment plan shall be subject to continuing review and if desirable, modification, at such periodic intervals.

Power to
acquire land

15.—(1) For the purposes of developing any feature of a development plan, the Minister may, for and in the name of Her Majesty, acquire by purchase, lease or otherwise, or, subject to *The Expropriations Act*, without the consent of the owner, enter upon, take and expropriate and hold any land or interest therein within the area covered by the plan, and sell, lease or otherwise dispose of any such land or interest therein.

R.S.O. 1970,
c. 154

Power of
designated
minister

(2) The Lieutenant Governor in Council may designate any minister of the Crown in respect of any land acquired under subsection 1, and thereupon the minister so designated may, for the purpose of developing any feature of the development plan,

- (a) clear, grade or otherwise prepare the land for development or may construct, repair or improve buildings, works and facilities thereon; or
- (b) sell, lease or otherwise dispose of any of such land or interest therein.

Grants

16. Where a municipality is invited to submit proposals to the Minister under section 11 to resolve a conflict between a local plan or zoning by-law and a development plan or is required under section 13 to prepare and adopt a local plan or pass a zoning by-law or by-laws, the Minister may, out of the moneys appropriated therefor by the Legislature, make grants to any such municipality towards the costs of preparing such proposals, plans or by-laws or towards those expenditures incurred in preparing local plans and zoning by-laws which are rendered invalid by a development plan.

Financial
assistance

17. Where a development plan is in effect, the Minister may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any person, organization or corporation, including a municipal corporation, undertaking any policy or program that implements the plan.

Application
of Act to
1973, c. 52

18. This Act does not apply to the Niagara Escarpment Planning Area established under *The Niagara Escarpment Planning and Development Act, 1973*, except as otherwise provided under that Act.

Commence-
ment

19. This Act shall be deemed to have come into force on the 4th day of June, 1973.

Short title

20. This Act may be cited as *The Ontario Planning and Development Act, 1973*.

CHAPTER 52

**An Act to provide for
Planning and Development of the
Niagara Escarpment and its Vicinity**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Niagara Escarpment Commission established under this Act;
- (b) "local plan" means an official plan approved by the Minister or by the Ontario Municipal Board under *The Planning Act*;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "Niagara Escarpment Plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering the Niagara Escarpment Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental and physical condition of the Area, and consisting of the texts and maps describing the program and policy;
- (f) "Niagara Escarpment Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;
- (g) "zoning by-law" means a by-law passed under section 35 of *The Planning Act* or any predecessor thereof and approved by the Ontario Municipal Board.

R.S.O. 1970,
c. 349

Purpose
of Act

2. The purpose of this Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.

Establish-
ment of
Niagara
Escarpment
Planning
Area

3.—(1) The Minister may, by order, establish as the Niagara Escarpment Planning Area the area of land in Ontario defined in the order.

Direction by
Minister to
prepare
Niagara
Escarpment
Plan

(2) Where the Niagara Escarpment Planning Area has been established under subsection 1, the Minister shall include in the order a direction to the Commission that it carry out an investigation and survey of the environmental, physical, social and economic conditions in relation to the development of the Planning Area or any part thereof, and that there be prepared within a period of two years or such other period of time as the Minister in his order determines, a plan suitable for approval as the Niagara Escarpment Plan.

Order to be
laid before
Assembly

(3) Where any order is made under subsection 1, the Minister shall, on the day the order is made, or as soon thereafter as is practicable, lay the order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order approved, revoked or varied.

Advisory
committees

4. The Minister shall establish two or more advisory committees, consisting of such persons as the Minister appoints, one of which will represent the municipalities in the Niagara Escarpment Planning Area in whole or in part and one of which will be broadly representative of the people of the Planning Area, to advise and make recommendations to the Minister, through the Commission, in respect of the preparation and implementation of the Niagara Escarpment Plan and to perform any other function given to them by the Minister.

Niagara
Escarpment
Commission
established

5.—(1) There is hereby established a commission, to be known as the Niagara Escarpment Commission, composed of seventeen members appointed by the Lieutenant Governor in Council as follows:

1. Nine members shall be appointed as representative of the public at large.
2. Of the eight remaining members, one shall be appointed from a list containing the names of not less than three persons submitted by the county council or regional council, as the case may be, of each

county and regional municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area.

(2) Each member of the Commission shall hold office for such period of time as the Lieutenant Governor in Council determines. Term of office

(3) No person is eligible to be included in a list of persons submitted under paragraph 2 of subsection 1 unless he is a member or employee of the council of a municipality whose jurisdiction includes a part of the Niagara Escarpment Planning Area. Eligibility

(4) The Commission shall be deemed to be established when a majority of the number of members has been appointed, and it may then proceed to carry out the functions conferred upon it under this Act, notwithstanding the remaining number of members has not been appointed. When Commission deemed established

(5) The Lieutenant Governor in Council may designate one of the members appointed under paragraph 1 of subsection 1 to be chairman of the Commission. Chairman

(6) Nine members of the Commission constitute a quorum. Quorum

(7) Members of the Commission shall receive such salary and other remuneration as the Lieutenant Governor in Council from time to time determines. Remuneration

(8) Such officers, clerks and servants as are considered necessary from time to time for the purposes of the Commission may be appointed under *The Public Service Act*. Staff

R.S.O. 1970,
c. 386

(9) Subject to the approval of the Minister, the Commission may engage persons to provide professional, technical or other assistance to the Commission. Professional assistance

(10) In the performance of its functions, the Commission may be assisted by such persons in the public service of Ontario as the Minister designates for the purpose. Seconding of staff to Commission

6. All expenditures, costs, charges and expenses incurred and payable in respect of the carrying out by the Commission of its functions, including the salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

Consultation
during
preparation
of plan

7. During the course of the preparation of the Niagara Escarpment Plan, the Commission shall consult with the minister, provincial secretary or other person having charge of any affected ministry and with the council of each municipality within or partly within the Niagara Escarpment Planning Area, with respect to the proposed contents of the Plan.

Objectives

8. In preparing the Niagara Escarpment Plan, the objectives to be sought by the Commission in the Niagara Escarpment Planning Area shall be,

- (a) to protect unique ecologic and historic areas;
- (b) to maintain and enhance the quality and character of natural streams and water supplies;
- (c) to provide adequate opportunities for outdoor recreation;
- (d) to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
- (e) to ensure that all new development is compatible with the purpose of this Act as expressed in section 2;
- (f) to provide for adequate public access to the Niagara Escarpment; and
- (g) to support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by *The Planning Act*.

R.S.O. 1970,
c. 349

Contents of
Plan

9. The Niagara Escarpment Plan may contain,

- (a) policies for the economic, social and physical development of the Niagara Escarpment Planning Area in respect of,
 - (i) the management of land and water resources,
 - (ii) the general distribution and density of population,
 - (iii) the general location of industry and commerce, the identification of major land use areas and the provision of major parks and open space and the policies in regard to the acquisition of lands,

- (iv) the control of all forms of pollution of the natural environment,
 - (v) the general location and development of major servicing, communication and transportation systems,
 - (vi) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
 - (vii) such other matters as are, in the opinion of the Minister, advisable;
- (b) policies relating to the financing and programming of public development projects and capital works;
 - (c) policies to co-ordinate the planning and development programs of the various ministries for the Niagara Escarpment Planning Area;
 - (d) policies to co-ordinate planning and development among municipalities within the Niagara Escarpment Planning Area;
 - (e) policies designed to ensure compatibility of development by the private sector; and
 - (f) such other policies as are, in the opinion of the Minister, advisable for the implementation of the Plan,

and shall contain such programs and policies as each minister, provincial secretary or other person having charge of a ministry desires to be incorporated in the Plan, in so far as the Commission considers it practicable.

10.—(1) During the course of preparation of the Niagara Escarpment Plan, the Commission shall, Preparation
of Plan

- (a) furnish each local municipality within or partly within the Niagara Escarpment Planning Area with a copy of the proposed Plan and invite each such municipality to make comments thereon to the council of the county or regional municipality within which it is situate within such period of time, not being less than three months from the time the Plan is furnished to it, as is specified;
- (b) publish a notice in such newspapers having general circulation in any area that is within the Niagara

Escarpment Planning Area as the Commission considers appropriate, notifying the public of the proposed Plan, indicating where a copy of the Plan together with the material used in the preparation thereof mentioned in subsection 5, can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified;

- (c) furnish copies of the proposed Plan to any advisory committee appointed under section 4 and invite any such committee to make comments thereon within such period of time, not being less than three months from the time the Plan is furnished to it as is specified; and
- (d) furnish a copy of the proposed Plan to each county and regional municipality within or partly within the Niagara Escarpment Planning Area and invite them, after giving consideration to the comments received from the local municipalities under clause *a*, to make comments on the proposed Plan to the Commission within such period of time, not being less than four months from the time the Plan is furnished to them, as is specified.

Hearing
officer

(2) After the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations.

Notice of
hearing

(3) The hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area, as the hearing officer considers appropriate.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing.

Procedure
at hearing

(5) At any such hearing the Commission shall present the proposed Plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such

Plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the Plan may be questioned on any aspect of the Plan by any interested person.

(6) Not less than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of his report.

Report of
hearing
officer

(7) After giving consideration to the comments received and the report of the hearing officer, the Commission shall submit the proposed Plan, with its recommendations thereon to the Minister.

Submission
of Plan to
Minister

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Inspection
of proposed
Plan and
report

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report of the hearing officer, the Minister shall submit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

Submission
of Plan to
Lieutenant
Governor in
Council

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report of the hearing officer be approved, then the Minister shall give public notice to this effect state his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

When
report not
approved

(11) The Lieutenant Governor in Council may approve the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

Approval of
Plan by
Lieutenant
Governor in
Council

11.—(1) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the

Lodging of
Plan

Minister shall be lodged forthwith with the clerk of each municipality, all or part of which is within the Niagara Escarpment Planning Area.

Idem

(2) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the Minister shall be lodged forthwith in every land registry office of lands within the Niagara Escarpment Planning Area, where it shall be made available to the public as a production.

Amendments
to Plan

12.—(1) An amendment to the Niagara Escarpment Plan may be initiated by the Minister or by the Commission, and application may be made to the Commission by any person, ministry or municipality requesting an amendment to the Plan.

Approval of
amendment
to Plan by
Lieutenant
Governor in
Council

(2) Where the Minister or the Commission initiates an amendment to the Niagara Escarpment Plan or, subject to subsection 3, where the Commission receives an application requesting an amendment to the Plan, the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the consideration of the proposed amendment, following which the Minister shall submit the amendment with his recommendations thereon to the Lieutenant Governor in Council and the Lieutenant Governor in Council may refuse to approve the amendment or may approve it or may approve the amendment with such modifications as the Lieutenant Governor in Council considers desirable, and in the event an amendment is approved, the Plan as so amended is thereupon the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

Frivolous,
etc.,
applications

(3) Where in the opinion of the Commission an application for an amendment is not made in good faith, or is frivolous or is made only for the purpose of delay, the Commission shall inform the Minister of its opinion and where the Minister concurs in that opinion the Minister shall inform the applicant in writing of his opinion and notify the applicant that unless he makes written representations thereon to the Minister within such time as the Minister specifies in the notice, not being less than fifteen days from the time the notice is given, the provisions of subsection 2 in respect of the consideration of the amendment shall not apply, and approval of the amendment shall be deemed to be refused.

Idem

(4) Where representations are made to the Minister under subsection 3, the Minister, after giving consideration thereto, shall inform the applicant in writing either that the Minister's opinion is confirmed and that approval of the amendment

is deemed to be refused or that he has directed that consideration of the amendment be proceeded with in accordance with subsection 2.

13.—(1) Notwithstanding any other general or special Act, when the Niagara Escarpment Plan is in effect, By-laws, etc., to conform to Plan

(a) no municipality or local board having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, and no ministry, shall undertake any improvement of a structural nature or any other undertaking within the Area; and

(b) no municipality having jurisdiction in such Area shall pass a by-law for any purpose,

that is in conflict with the Niagara Escarpment Plan.

(2) The Minister, upon the application of the council of a municipality having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, may, in writing, declare that a by-law, improvement or other undertaking of such municipality shall be deemed not to conflict with the Niagara Escarpment Plan, if the Minister is of the opinion that the by-law, improvement or undertaking conforms with the general intent and purpose of the Plan. Minister may deem by-law, etc., conforms to Plan

14. Notwithstanding any other general or special Act, where the Niagara Escarpment Plan is in effect and there is a conflict between any provision of the Plan and any provision of a local plan or any provision of a zoning by-law covering any part of the Niagara Escarpment Planning Area, then the provision of the Niagara Escarpment Plan prevails. Conflict

15.—(1) Where in the opinion of the Minister a local plan or a zoning by-law that covers any part of the Niagara Escarpment Planning Area is in conflict with the provisions of the Niagara Escarpment Plan, the Minister shall advise the council of the municipality that adopted the local plan or that passed the zoning by-law of the particulars wherein the local plan or zoning by-law conflicts with the Niagara Escarpment Plan and shall invite the municipality to submit, within such time as the Minister specifies, proposals for the resolution of the conflict. Minister may require submission of proposals to resolve conflict

(2) Where the council of the municipality fails to submit proposals to resolve the conflict within the time specified by the Minister, or where after consultation with the Minister on such proposals the conflict cannot be resolved, and the Minister so notifies in writing the council of the municipality, Power of Minister to amend local plan

the Minister may by order amend the local plan so as to make it conform to the Niagara Escarpment Plan, and the order when made shall have the same effect as though it were an amendment to the local plan made by the council of the municipality and approved by the Minister.

Minister
may require
adoption of
local plan
or passage of
zoning by-law

16. Where the Niagara Escarpment Plan is in effect in a municipality or any part thereof and the municipality does not have a local plan in effect or has not passed a zoning by-law or by-laws covering the municipality or that part of the municipality covered by the Plan, the council of the municipality, upon being notified in writing by the Minister of that fact, shall, within such time as is specified in the notice, prepare and adopt a local plan or pass a zoning by-law or by-laws that conform to the Niagara Escarpment Plan and submit to the Minister the local plan for approval or submit to the Ontario Municipal Board the zoning by-law or by-laws for approval, as the case requires.

Review of
Plan

17.—(1) Not later than five years from the day on which the Niagara Escarpment Plan comes into effect, the Minister shall cause a review of the Plan to be undertaken, and the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis* to the review, following which the Minister shall submit to the Lieutenant Governor in Council a report on the review of the Plan with his recommendations thereon.

Lieutenant
Governor in
Council
may confirm
Plan or
approve
modifications

(2) The Lieutenant Governor in Council may confirm the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the confirmed Plan or the modified Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

Continuing
review of
Plan

(3) Subsections 1 and 2 apply *mutatis mutandis* to the confirmed or modified Niagara Escarpment Plan, and so on at intervals of not greater than five years, to the end that the Plan shall be subject to continuing review and if desirable, modification, at such periodic intervals.

Power to
acquire land

18.—(1) For the purposes of developing any feature of the Niagara Escarpment Plan, the Minister may, for and in the name of Her Majesty, acquire by purchase, lease or otherwise, or, subject to *The Expropriations Act*, without the consent of the owner, enter upon, take and expropriate and hold any land or interest therein within the Niagara Escarpment Planning Area and sell, lease or otherwise dispose of any such land or interest therein.

R.S.O. 1970.
c. 154

(2) The Lieutenant Governor in Council may designate any minister of the Crown in respect of any land acquired under subsection 1, and thereupon the minister so designated may, for the purpose of developing any feature of the Niagara Escarpment Plan,

Power of
designated
minister

(a) clear, grade or otherwise prepare the land for development or may construct, repair or improve buildings, works and facilities thereon; or

(b) sell, lease or otherwise dispose of any of such land or interest therein.

19. Where a municipality is invited to submit proposals to the Minister under section 15 to resolve a conflict between a local plan or zoning by-law and the Niagara Escarpment Plan or is required under section 16 to prepare and adopt a local plan or pass a zoning by-law or by-laws, the Minister may, out of the moneys appropriated therefor by the Legislature, make grants to any such municipality towards the costs of preparing such proposals, plans or by-laws or towards those expenditures incurred in preparing local plans and zoning by-laws, which are rendered invalid by the Niagara Escarpment Plan.

Grants

20. When the Niagara Escarpment Plan is in effect, the Minister may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any person, organization or corporation, including a municipal corporation, undertaking any policy or program that implements the Plan.

Financial
assistance

21.—(1) Where, in the opinion of the Lieutenant Governor in Council, the Niagara Escarpment Plan has been substantially completed for any part of the Niagara Escarpment Planning Area, the Lieutenant Governor in Council may, by order, and subject to such terms and conditions as he considers appropriate, transfer any of the functions of the Commission to the council of a regional municipality or the council of a county.

Transfer of
Commission
functions

(2) No order shall be made under subsection 1 except upon application made to the Lieutenant Governor in Council by the council of the regional municipality or county, and every such application shall include a statement of the administrative procedures intended to be followed in the exercise of such functions.

Limitation

22. The Minister may make regulations,

Regulations

(a) designating any area or areas of land within the Niagara Escarpment Planning Area as an area of development control;

- (b) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof;
- (c) providing for the issuance of development permits and prescribing terms and conditions of permits;
- (d) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;
- (e) prescribing the form of application for a development permit.

R.S.O. 1970,
c. 349

Development
permits

23.—(1) Notwithstanding any other general or special Act, where an area of development control is established by regulation made under section 22, no person shall undertake any development in the area unless such development is exempt under the regulations or he is the holder of a development permit issued by the Minister, or where the Minister has under section 24 delegated his authority to the Commission or to a county or to a regional municipality or to a city outside a regional municipality, issued by the Commission or by the county or regional municipality, or city, as the case may be.

Terms and
conditions

(2) The Minister may, where he issues a development permit under subsection 1, attach such terms and conditions thereto as he considers desirable.

Other
permits

(3) No building permit or other permit relating to development shall be issued in respect of any land, building or structure within an area of development control, unless a development permit has been issued under this Act relating to such land, building or structure, and no such building or other permit shall be issued that does not conform to the development permit.

Offence

(4) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

Order to
demolish, etc.

(5) Where any person undertakes any development that is in contravention of subsection 1, the Minister may order such person to demolish any building or structure erected in connection with the development or to restore the site to the condition it was in prior to the undertaking of the development, or both, within such time as the order specifies.

(6) Where a person to whom an order is directed under subsection 5 fails to comply with the order within the time specified in it, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which cost may be recovered with costs, as a debt due to Her Majesty, in any court of competent jurisdiction. Cost of work

(7) Where the Minister has delegated his authority under section 24, the body to which the authority is delegated has, in lieu of the Minister, all the powers and rights of the Minister under subsections 5 and 6. Delegation of authority

24.—(1) Subject to subsection 2, the Minister may in writing, and subject to such conditions as he considers appropriate, delegate to the Commission, or to a county or regional municipality or to a city outside a regional municipality having jurisdiction in the Niagara Escarpment Planning Area, or any part thereof, authority to issue development permits. Delegation to Commission, etc.

(2) No delegation shall be made under subsection 1 to a county or a regional municipality or a city except upon application made to the Minister by the council of the county or regional municipality or city, and every such application shall include a statement of the organizational structure to be established and the administrative procedures intended to be followed. Limitation

(3) The Minister may in writing withdraw any delegation made under subsection 1 where, in his opinion, it is in the public interest to do so. Withdrawal of delegation

(4) Where the Minister has delegated his authority under subsection 1, the Commission or the council of the county or regional municipality or city, as the case may be, on receiving an application for a development permit and, after giving consideration to the merits of the application, may make a decision to issue the development permit or to refuse to issue the permit or to issue the permit subject to such terms and conditions as it considers desirable. Commission, etc., power of decision

(5) The Commission, or a county or regional municipality or city to whom the Minister has delegated his authority under subsection 1, shall by regular or registered mail cause a copy of the decision made by it on any application for a development permit to be mailed to the Minister, to the applicant for the permit and to all assessed owners of land lying within 400 feet of the land that is the subject of the application and every copy of such decision shall include a notice specifying that any person receiving a copy of the decision, other Notification of decision

than the Minister, may, within fourteen days of the mailing of it, appeal in writing to the Minister against the decision.

Hearing
officer

(6) Where the Minister receives a copy of a decision under subsection 5 he may, within fourteen days of the mailing of it, request the Lieutenant Governor in Council to appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision.

Application

(7) Where the Lieutenant Governor in Council appoints a hearing officer at the request of the Minister under subsection 6, the provisions of subsections 10, 11 and 12 apply *mutatis mutandis* and any reference in those subsections to the Minister shall be deemed to be a reference to the Lieutenant Governor in Council.

Hearing
officer,
appointment
by Minister

(8) Where the Minister receives one or more notices of appeal under subsection 5 he shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision.

Confirmation
of decision

(9) Unless within the time specified in subsection 5, the Minister receives one or more notices of appeal or unless the Minister has under subsection 6 requested the appointment of a hearing officer, the decision of the Commission or of the council of the county or regional municipality or city, as the case may be, shall be deemed to be confirmed.

Time of
hearing

(10) The officer appointed to inquire under subsection 8 shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to each person to whom notice of the decision was sent under subsection 5.

Report

(11) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made, together with his opinion on the merits of the decision.

Power of
Minister
to confirm,
etc., decision

(12) After giving consideration to the report of the officer, the Minister may confirm the decision or he may vary the decision or make any other decision that in his opinion ought to have been made and the decision of the Minister under this section is final.

Notice of
application

25.—(1) Where the Minister has not delegated his authority under section 24 and he receives an application for a development permit the Minister shall, by personal service or by regular or registered mail, cause a written notice of the application, together with a brief statement of the nature of the application, to be delivered or mailed to all assessed

owners of land lying within 400 feet of the land that is the subject of the application and every such notice shall specify the time within which any person receiving it may file with the Minister written notice of his objection to the issuance of a development permit.

(2) Subject to subsection 7, unless within the time specified in the notice referred to in subsection 1 a notice objecting to the issuance of a development permit is filed with the Minister, he may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable. Minister may issue, etc., permit

(3) Where a notice of objection to the issuance of a development permit is filed with the Minister within the time specified in the notice referred to in subsection 1, the Minister shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the issuance of the development permit. Hearing officer, appointment by Minister

(4) The officer appointed to inquire under subsection 3 shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to the applicant for the development permit and to each person to whom notice of the application was sent under subsection 1. Time of hearing

(5) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made together with his opinion on the merits of the application for the development permit. Report

(6) After giving consideration to the report of the officer appointed to inquire into the matter, the Minister may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable. Minister may issue, etc., permit

(7) The Minister where he considers it desirable may, and at the request of the applicant for the development permit made at the time of submitting his application to the Minister shall, appoint an officer for the purpose of conducting a hearing into the matter, and where the Minister does so the provisions of subsections 4, 5 and 6 apply *mutatis mutandis*. Hearing officer, appointment by Minister

(8) The decision of the Minister made under this section is final. Decision final

26.—(1) Every local municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area shall annually, on or before the 1st day of February, determine Determination of number of acres of land owned by Crown

and advise the Minister of the number of acres to the nearest whole acre of all land in such municipality situate within the Planning Area and owned on the next preceding 1st day of January by Her Majesty in right of Ontario.

Determina-
tion by
Minister

(2) The Minister may revise the number of acres so determined by a local municipality and where he does so the determination of the number of acres by the Minister is, for the purposes of this section, final.

Payments

(3) Commencing with the year 1973, the Minister may, out of the moneys appropriated therefor by the Legislature, pay in each year to such municipality,

(a) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres; or

(b) \$100,

whichever is the greater.

Deduction of
moneys paid
under
1971, c. 78
and
R.S.O. 1970,
c. 292

(4) Notwithstanding subsection 3, when an amount of money is payable to any such local municipality in the same year in respect of any part of such land under *The Provincial Parks Municipal Tax Assistance Act, 1971* or under *The Municipal Tax Assistance Act*, no payment shall be made under this section in respect of that land.

Determina-
tion for 1973

(5) The annual determination required under subsection 1 shall be made for the purposes of payments in 1973 as soon as is practicable after the coming into force of this Act.

Assessment
deemed
increased

27. The assessment of a local municipality that receives a payment under section 26 that is used for apportioning,

R.S.O. 1970,
c. 32

(a) a county rate under section 72 of *The Assessment Act*; or

(b) a regional levy under any Act establishing a regional municipality,

shall be deemed to be increased by an amount that would have produced the amount of payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Agreement
for fixed
assessment

28.—(1) Where the use of any land within the Niagara Escarpment Planning Area is not in conformity with the use designated for such land in the Niagara Escarpment Plan or

in any local plan covering such land, and the assessment of such land is increased because of such designation, the local municipality in which the land is situate and the owner of the land may, with the approval of the Minister, enter into an agreement providing for a fixed assessment for the land reflecting the use to which the land is being put, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

(2) Every such agreement shall be for such term of years ^{Term of agreement} not exceeding three as the Minister approves and the Minister may, in granting his approval, attach such terms and conditions thereto as he considers appropriate.

(3) Where a parcel of land has a fixed assessment under ^{Procedure} subsection 1,

(a) the land shall be assessed in each year as if it did not ^{assessment} have a fixed assessment ;

(b) the treasurer of the local municipality shall calculate ^{taxes} each year what the taxes would have been on the land if it did not have a fixed assessment ;

(c) the treasurer shall keep a record of the difference ^{record} between the taxes paid each year and the taxes that would have been paid if the land did not have a fixed assessment and shall debit the land with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date.

(4) The Minister may, out of the moneys appropriated ^{Payment to municipality} therefor by the Legislature, pay in each year to a local municipality in respect of which an agreement made under subsection 1 is in force, an amount of money equal to the difference in the taxes paid pursuant to the agreement and the taxes that would have been paid if the land covered by the agreement did not have a fixed assessment.

(5) Where a local municipality receives an amount of money ^{Apportionment} under subsection 4, the council of the local municipality shall apportion the amount to each body in the same manner as taxes would have been apportioned if taxes had been levied in the normal manner on the assessment in accordance with clause *a* of subsection 3.

(6) Where the land or a part thereof that is subject to an ^{When agreement terminated} agreement under subsection 1 ceases to be put to the use that

was the basis for determining the fixed assessment, the agreement is thereupon terminated with respect to the land or such part thereof.

Registration
of agreement

R.S.O. 1970,
c. 409

(7) Any agreement entered into under subsection 1 may be registered against the land affected by the agreement and when registered such agreement runs with the land and the provisions thereof are binding upon and enure to the benefit of the owner of the land and, subject to the provisions of *The Registry Act*, any and all subsequent owners of the land.

Termination
of agreement,
as to all
lands

(8) Where an agreement is for any reason terminated in respect of the whole of the land, the owner shall pay to the local municipality the amount debited against the land, including the amounts of interest debited in accordance with clause c of subsection 3.

as to part
of lands

(9) Where an agreement is for any reason terminated in respect of a part of the land, the owner shall pay to the local municipality that portion of the amount debited against the land, including the amounts of interest debited in accordance with clause c of subsection 3, that is attributable to the portion of the land in respect of which the agreement is terminated.

Payment to
Minister

(10) Where a local municipality receives a payment under subsection 8 or 9, the treasurer of the municipality shall forthwith pay the amount of money received, including the amount of debited interest, to the Minister.

Termination
of agreement
by owner

(11) An agreement may be terminated on the 31st day of December in any year upon the owner of the land that is the subject of the agreement giving six months notice of such termination in writing to the municipality.

Apportion-
ment

(12) For the purposes of an apportionment required under any Act, the assessment used as the basis for such apportionment shall include the assessment determined under clause a of subsection 3.

Commence-
ment

29. This Act shall be deemed to have come into force on the 4th day of June, 1973.

Short title

30. This Act may be cited as *The Niagara Escarpment Planning and Development Act, 1973*.

CHAPTER 53

An Act to provide for Planning and Development of the Parkway Belt

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs, herein called the Minister, may, by order, establish as the Parkway Belt Planning Area the area of land in Ontario defined in the order.

(2) Where the Parkway Belt Planning Area has been established under subsection 1, the Minister shall include in the order a direction that there be carried out an investigation and survey of the environmental, physical, social and economic conditions in relation to the development of the Planning Area or any part thereof, and that there be prepared within a period of two years or such other period of time as the Minister in his order determines, the Parkway Belt Plan.

(3) Where any order is made under subsection 1, the Minister shall, on the day the order is made, or as soon thereafter as is practicable, lay the order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order approved, revoked or varied.

2. *The Ontario Planning and Development Act, 1973*, except section 12, applies, *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan shall be deemed to be a development plan within the meaning of that Act.

3.—(1) Every local municipality whose jurisdiction includes any part of the Parkway Belt Planning Area shall annually, on or before the 1st day of February, determine and advise the Minister of the number of acres to the nearest whole acre of all land in such municipality situate within the Planning Area and owned on the next preceding 1st day of January by Her Majesty in right of Ontario.

Determina-
tion by
Minister

(2) The Minister may revise the number of acres so determined by a local municipality, and, where he does so, the determination of the number of acres by the Minister is, for the purposes of this section, final.

Payments

(3) Commencing with the year 1973, the Minister may, out of the moneys appropriated therefor by the Legislature, pay in each year to such municipality,

(a) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres; or

(b) \$100,

whichever is the greater.

Deduction of
moneys paid
under
1971, c. 78
and
R.S.O. 1970,
c. 292

(4) Notwithstanding subsection 3, when an amount of money is payable to any such local municipality in the same year in respect of any part of such land under *The Provincial Parks Municipal Tax Assistance Act, 1971* or under *The Municipal Tax Assistance Act*, no payment shall be made under this section in respect of that land.

Determina-
tion for 1973

(5) The annual determination required under subsection 1 shall be made, for the purposes of payments in 1973, as soon as is practicable after the coming into force of this Act.

Assessment
deemed
increased

4. The assessment of a local municipality that receives a payment under section 3 that is used for apportioning,

R.S.O. 1970,
c. 32

(a) a county rate under section 72 of *The Assessment Act*; or

(b) a metropolitan or regional levy under any Act establishing a metropolitan or regional municipality,

shall be deemed to be increased by an amount that would have produced the amount of payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Agreement
for fixed
assessment

5.--(1) Where the use of any land within the Parkway Belt Planning Area is not in conformity with the use designated for such land in the Parkway Belt Plan or in any local plan covering such land, and the assessment of such land is increased because of such designation, the local municipality in which the land is situate and the owner of the land may, with the approval of the Minister, enter into an agreement providing for a fixed assessment for the land reflecting the use to which the land is being put, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

(2) Every such agreement shall be for such term of years ^{Term of agreement} not exceeding three as the Minister approves and the Minister may, in granting his approval, attach such terms and conditions thereto as he considers appropriate.

(3) Where a parcel of land has a fixed assessment under ^{Procedure} subsection 1,

(a) the land shall be assessed in each year as if it did ^{assessment} not have a fixed assessment;

(b) the treasurer of the local municipality shall calculate ^{taxes} each year what the taxes would have been on the land if it did not have a fixed assessment; and

(c) the treasurer shall keep a record of the difference ^{record} between the taxes paid each year and the taxes that would have been paid if the land did not have a fixed assessment and shall debit the land with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date.

(4) The Minister may, out of the moneys appropriated ^{Payment to municipality} therefor by the Legislature, pay in each year to a local municipality in respect of which an agreement made under subsection 1 is in force, an amount of money equal to the difference in the taxes paid pursuant to the agreement and the taxes that would have been paid if the land covered by the agreement did not have a fixed assessment.

(5) Where a local municipality receives an amount under ^{Apportionment} subsection 4, the council of the local municipality shall apportion the amount to each body in the same manner as taxes would have been apportioned if taxes had been levied in the normal manner on the assessment in accordance with clause *a* of subsection 3.

(6) Where the land or a part thereof that is subject to ^{When agreement terminated} an agreement under subsection 1 ceases to be put to the use that was the basis for determining the fixed assessment, the agreement is thereupon terminated with respect to the land or such part thereof.

(7) Any agreement entered into under subsection 1 may be ^{Registration of agreement} registered against the land affected by the agreement and when registered such agreement runs with the land and the provisions thereof are binding upon and enure to the benefit of the owner of the land and, subject to the provisions of *The R.S.O. 1970, c. 409 Registry Act*, any and all subsequent owners of the land.

Termination
of agreement,
as to all
lands

(8) Where an agreement is for any reason terminated in respect of the whole of the land, the owner shall pay to the local municipality the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3.

as to part
of lands

(9) Where an agreement is for any reason terminated in respect of a part of the land, the owner shall pay to the local municipality that portion of the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3, that is attributable to the portion of the land in respect of which the agreement is terminated.

Payment to
Minister

(10) Where a local municipality receives a payment under subsection 8 or 9, the treasurer of the local municipality shall forthwith pay the amount of money received, including the amount of debited interest, to the Minister.

Termination
of agreement
by owner

(11) An agreement may be terminated on the 31st day of December in any year upon the owner of the land that is the subject of the agreement giving six months notice of such termination in writing to the local municipality.

Apportion-
ment

(12) For the purposes of an apportionment required under any Act, the assessment used as the basis for such apportionment shall include the assessment determined under clause *a* of subsection 3.

Regulations

6.—(1) On and after the day this Act comes into force, the Minister may, in respect of any land within the Parkway Belt Planning Area, make land use regulations and in any such regulations the Minister may exercise any of the powers conferred upon the Minister under clause *a* of subsection 1 of section 32 of *The Planning Act*, and notwithstanding subsection 4 of the said section 32, any such regulation may be made that does not conform to a local plan in effect in the area covered by the regulation.

R.S.O. 1970,
c. 349

Effective
date of
regulations

(2) Any regulation made by the Minister under subsection 1 may be retroactive in its application and may provide that it comes into force and has effect on and after a day not earlier than the 4th day of June, 1973.

Commence-
ment

7. This Act shall be deemed to have come into force on the 4th day of June, 1973.

Short title

8. This Act may be cited as *The Parkway Belt Planning and Development Act, 1973*.

CHAPTER 54

**An Act to amend
The Regional Municipality of Niagara Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 22 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act*, 1972". ^{s. 22 (4), amended}
2. Section 54 of the said Act, as amended by the Statutes of Ontario, ^{s. 54, re-enacted} 1971, chapter 77, section 1, is repealed and the following substituted therefor:

54.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received, a sewer rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures relating to the capital cost of any work or watercourse assumed or constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to such capital cost, and if the council of any area municipality considers itself aggrieved by the imposition of any rate under this section it may appeal to the Municipal Board whose decision shall be final. ^{Imposition of sewer rate}

(2) An area municipality may,

- (a) pay the amounts chargeable to it under subsection 1 out of its general funds; or
- (b) subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or ^{Raising of money by area municipality} ^{R.S.O. 1970, c. 284}

any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

s. 58 (2),
repealed

3. Subsection 2 of section 58 of the said Act is repealed.

s. 62a,
enacted

4. The said Act is amended by adding thereto the following section :

Payment of
charges

62a.—(1) All rates and charges against an area municipality imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts
and
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges imposed under the authority of this Part and may by by-law provide for interest in the event of default at a rate of 12 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 75a,
enacted

5. The said Act is further amended by adding thereto the following section :

Bus lanes,
designation
by by-law

75a. The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section “public transit motor vehicle” means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of a passenger transportation service.

- 6.—(1) Subsection 1 of section 112 of the said Act is amended <sup>s. 112 (1),
amended</sup> by striking out “subsections 2 to 5” in the seventh line and inserting in lieu thereof “subsection 5”.
- (2) Clause *b* of subsection 3 of the said section 112 is repealed <sup>s. 112 (3) (b),
re-enacted</sup> and the following substituted therefor:
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.
- (3) The said section 112 is amended by adding thereto the <sup>s. 112,
amended</sup> following subsections:
- (4) Every civilian employee and assistant of the Niagara <sup>Retirement
of civilians</sup> Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.
- (5) Section 239 of *The Municipal Act* applies *mutatis* <sup>Application
of R.S.O. 1970,
c. 284, s. 239</sup> *mutandis* to the Niagara Police Board.
7. Section 155 of the said Act is amended by adding thereto the <sup>s. 155,
amended</sup> following subsections:
- (3) Where an emergency situation exists in an area municipality which cannot be adequately dealt with under the <sup>Regional
co-
ordination
of measures</sup> existing division of statutory responsibilities, the Regional Council may, at the request of the head of council of such area municipality, co-ordinate and control or operate all services, both of the Regional Corporation and of the area municipality, required to deal with such emergency.
- (4) For the purposes of *The Emergency Measures Act*, the <sup>Regional
Corporation
deemed a
county
R.S.O. 1970,
c. 145</sup> Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be local municipalities that form part of the county for municipal purposes.
- (5) Where any service is provided by the Regional Corporation under subsection 3, the Regional Council may charge <sup>Cost of
providing
service</sup> the area municipality the cost of providing such service.
8. Paragraph 4 of Form 2 of the said Act is repealed. <sup>Form 2,
par. 4,
repealed</sup>
9. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
10. This Act may be cited as *The Regional Municipality of Niagara* ^{Short title} *Amendment Act, 1973*.

CHAPTER 55

An Act to amend The Ontario Energy Board Act

*Assented to June 22nd, 1973
Session Prorogued*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 1 of *The Ontario Energy Board Act*,^{s.1, par. 9,} being chapter 312 of the Revised Statutes of Ontario, 1970,^{re-enacted} is repealed and the following substituted therefor:
 9. "Minister" means the Minister of Energy.
2. Subsection 1 of section 2 of the said Act is repealed and the^{s.2 (1), re-enacted} following substituted therefor:
 - (1) The Ontario Energy Board is continued and shall^{Board, composition} consist of as many members, not fewer than five, as the Lieutenant Governor in Council may from time to time determine.
3. Section 8 of the said Act is amended by striking out "Lieutenant^{s.8, amended} Governor in Council" in the first line and inserting in lieu thereof "Board".
4. Subsection 3 of section 13 of the said Act is amended by inserting^{s.13 (3), amended} after "Minister" in the second line "or by the Minister of Natural Resources".
- 5.—(1) Clauses *b* and *c* of subsection 7 of section 19 of the said^{s.19 (7) (b, c), re-enacted} Act are repealed and the following substituted therefor:
 - (*b*) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and not unjust or unreasonable in relation to the other rates and charges then being charged by the transmitter, distributor or storage company;
 - (*c*) in the case of the approval or fixing of prompt-payment discounts or delayed-payment penalties;

- (d) in the case of a transmitter, distributor or storage company that is selling, transmitting, distributing or storing gas, as the case may be, at a loss;
- (e) in the case of an application that does not contain a request for an increase in the rates or other charges then being charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company;
- (f) in the case of the approval or fixing of increased rates or other charges of a gas transmitter, gas distributor or storage company where the purpose and effect of increasing the rates or other charges is to permit the gas transmitter, gas distributor or storage company to recover all or part of increases, approved, fixed, authorized or permitted by or under any statute, in the cost of gas purchased by or transmitted or stored for him or it; or
- (g) in the case of an order under subsection 8 of section 15 or subsection 11 of this section.

s. 19 (8),
amended

- (2) Subsection 8 of the said section 19 is amended by striking out "entered into prior to the 1st day of January, 1965" in the fifth line.

s. 21,
amended

- 6.** Section 21 of the said Act is amended by adding thereto the following subsection:

Application
of section
R.S.O. 1970,
c. 154

- (5) This section applies notwithstanding subsections 2 and 3 of section 46 of *The Expropriations Act*.

s. 22 (2),
amended

- 7.** Subsection 2 of section 22 of the said Act is amended by striking out "a transmitter or distributor" in the third line and inserting in lieu thereof "any person".

s. 23,
amended

- 8.** Section 23 of the said Act is amended by adding thereto the following subsection:

Interpre-
tation

- (3) In this section, "Minister" means the Minister of Natural Resources.

s. 26 (1),
amended

- 9.—(1)** Subsection 1 of section 26 of the said Act is amended by adding "or" at the end of clause *a*, by striking out "or" at the end of clause *b* and by striking out clause *c*.

s. 26 (2, 3),
re-enacted

- (2) Subsections 2 and 3 of the said section 26 are repealed and the following substituted therefor:

(2) No person, without first obtaining the leave of the Lieutenant Governor in Council, shall acquire such number of any class of shares of a gas transmitter, gas distributor or storage company that together with shares already held by such person or by such person and an associate or associates of such person will in the aggregate exceed 20 per cent of the shares outstanding of that class of the gas transmitter, gas distributor or storage company. ^{Acquisition of share control}

(3) This section does not apply to a mortgage or charge to secure any loan or indebtedness or to secure any bond, debenture or other evidence of indebtedness. ^{Mortgages}

(4) An application for leave under this section shall be made to the Board, which shall hold a public hearing and submit its report and opinion to the Lieutenant Governor in Council. ^{Public hearing}

(5) Notwithstanding any other provision of this Act, in this section, "associate", when used to indicate a relationship with any person or company, means, ^{Interpretation}

- (a) a person who has the power to direct or cause to be directed the management and policies of the company;
- (b) a company whose management and policies the person has the power to direct or to cause to be directed;
- (c) another company whose management and policies are subject to a power to direct or to cause to be directed by a person who also has power to direct or cause to be directed the management and policies of the company;
- (d) a partner of that person or company acting by or for the partnership of which they are both partners;
- (e) a trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity;
- (f) a spouse, son or daughter of that person;
- (g) a relative of such person or of his spouse, other than a relative referred to in clause *f* who has the same home as such person; or
- (h) any person who is obligated to act in concert with such person in exercising voting rights in respect of the shares of a company.

s. 33,
amended

10. Section 33 of the said Act is amended by adding thereto the following subsection:

Proviso

(7) This section does not apply to an order made by the Board in respect of the conduct of a proceeding under section 37a.

s. 34,
amended

11. Section 34 of the said Act is amended by striking out "sixty" in the second line and inserting in lieu thereof "twenty-eight".

s. 37a,
enacted

12. The said Act is amended by adding thereto the following section:

Interpre-
tation

37a.—(1) In this section, "customer" means an industrial customer of The Hydro-Electric Power Commission of Ontario having an average annual power demand of 5,000 kilowatts or more or a municipal corporation or municipal electric utility commission.

Proposal by
The Hydro-
Electric
Power
Commission
of Ontario
to change
rates or
charges

(2) Where The Hydro-Electric Power Commission of Ontario proposes to change, effective on or after the 1st day of January, 1975, any of its rates or charges for any customer, it shall submit the proposal to the Minister not less than eight months before the date that the change is proposed to come into effect and the Minister shall refer the proposal to the Board.

Idem,
public
hearing
by Board

(3) Where a proposal is referred to the Board by the Minister pursuant to subsection 2, the Board forthwith by public advertisement shall give at least twenty days notice of and shall hold a public hearing with respect to the proposal and shall make a report or an interim report thereon to the Minister at least four months before the proposed effective date of such change and where the Board makes an interim report within such time it shall make a final report as soon as possible thereafter.

Idem

(4) The Minister at any time may refer to the Board, in addition to any proposed changes in rates or charges mentioned in subsection 2,

- (a) any existing or proposed rates or charges of The Hydro-Electric Power Commission of Ontario to its customers or any class thereof;
- (b) any matter in any way affecting or related to rates or charges by The Hydro-Electric Power Commission of Ontario to its customers including, without limiting the generality of the foregoing, principles and practices respecting power costing, rate-making, financing, service reliability, system expansion and operations; or

- (c) the principles used by or appropriate for use by The Hydro-Electric Power Commission of Ontario in the exercise of any power to approve, determine or fix rates or other charges under section 91, 93 or 96 of *The Power Commission Act*,

R.S.O. 1970,
c. 354

and the Board shall hold a public hearing at which it shall investigate and examine into the matter referred to it and shall then report thereon to the Minister.

- (5) The power of the Minister set out in clause *a* of subsection 4 does not apply to rates or charges in effect before the 1st day of January, 1975. Proviso

- (6) A reference under this section may be general or particular in terms and may specify criteria or factors to guide the Board in making its investigation, examination and report. Reference may be general or particular

- (7) The Board may at any time give directions as to the nature and extent of interventions by persons interested in a matter that is to be the subject of a public hearing held pursuant to this section, may set aside for future examination any issue that in its opinion requires a more prolonged examination and may make interim reports pending its final report with respect to the subject-matter of any reference. Directions by Board

- (8) The Board may appoint from among a class of retail customers of The Hydro-Electric Power Commission of Ontario having, in the opinion of the Board, a common interest, a person to represent that class at the hearing where it appears to the Board that the appointment should be made so that the class can be heard, but any other member of the class for which such appointment was made may be heard notwithstanding the appointment. Board may appoint class representative

- (9) An interim or final report of the Board under this section shall contain a summary of the information presented and the views expressed at the public hearing together with the opinion of the Board and its reasons therefor with respect to the matter or matters reported on and the signatures of the members of the Board making the report, and the Board shall deliver a copy of the report to The Hydro-Electric Power Commission of Ontario forthwith after its making. Report of Board

- (10) Upon delivery of a report under this section, the Board shall make reasonable arrangements for inspection or purchase of copies by the public. Public inspection of report

Commence-
ment

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Ontario Energy Board Amendment Act, 1973*.

CHAPTER 56

An Act to establish the Ministry of Energy

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "Deputy Minister" means the Deputy Minister of Energy;
 - (b) "Minister" means the Minister of Energy;
 - (c) "Ministry" means the Ministry of Energy.
2. There shall be a ministry of the public service to be known as the Ministry of Energy. Ministry
established
3. The Minister shall preside over and have charge of the Ministry. Minister
to have
charge
4. The Minister is responsible for the administration of this Act, any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council and *The Ontario Energy Board Act* and *The Power Commission Act*. Duties of
Minister
of Energy
R.S.O. 1970,
cc. 312, 354
- 5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Energy who shall be the deputy head of the Ministry. Deputy
Minister
of Energy
 - (2) Such officers and employees as are required from time to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*. Staff
R.S.O. 1970,
c. 386
 - (3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. Protection
from personal
liability

Liability
of Crown
R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted.

Moneys
required by
Ministry

6. The expenditures of the Ministry for the fiscal year ending the 31st day of March, 1974, as approved by the Lieutenant Governor in Council, shall be paid out of the Consolidated Revenue Fund and thereafter the expenditures of the Ministry shall be paid out of the moneys appropriated therefor by the Legislature.

Seal

7.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

Objectives of
Minister

8. The Minister or the Deputy Minister, subject to the direction and control of the Minister, shall,

- (a) review energy matters on a continuing basis with regard to both short-term and long-term goals in relation to the energy needs of the Province of Ontario;
- (b) advise and assist the Government of Ontario in its dealings with other governments regarding energy matters;
- (c) make recommendations for the effective co-ordination of all energy matters within the Government of Ontario with a view to ensuring the consistent application of policy in every area of concern regarding energy and, notwithstanding the generality of the foregoing, with respect to adequacy of supplies, prices, franchises and the development of energy resources indigenous to Ontario; and
- (d) make recommendations regarding priorities for and the development of research in all aspects of energy of significance to Ontario, including the conservation of energy and the improvement of efficiency in its production and utilization and the development of new energy sources.

9. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation. Delegation of powers and duties

10. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees. Advisory committees

11. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

12. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

13. This Act may be cited as *The Ministry of Energy Act*, 1973. Short title

CHAPTER 57

An Act to amend The Power Commission Act

Assented to June 22nd, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Power Commission Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

“The Power Corporation Act”

2. Except as otherwise provided in this Act, the said Act is amended by striking out “Commission” and “Commission’s” wherever they occur and have reference to The Hydro-Electric Power Commission of Ontario and inserting in lieu thereof in each instance “Corporation” or “Corporation’s”, as the case may be.

- 3.—(1) Clause *a* of section 1 of the said Act is repealed and the following substituted therefor:

(a) “Board” means the Board of Directors of the Corporation.

- (2) Clause *b* of the said section 1 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Corporation”.

- (3) Clause *c* of the said section 1 is repealed and the following substituted therefor:

(c) “chairman” means the chairman of the Board and chief officer of the Corporation;

(ca) “Corporation” means the body corporate continued by subsection 1 of section 2;

(cb) “director” means a member of the Board.

- (4) The said section 1 is amended by adding thereto the following clauses:

(da) “Minister” means the Minister of Energy;

(fa) “president” means the president of the Corporation.

s. 1 (h),
amended

(5) Clause *h* of the said section 1 is amended by adding at the end thereof “and Intergovernmental Affairs”.

s. 1 (j),
amended

(6) Clause *j* of the said section 1 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Corporation or the Board”.

ss. 2-6,
re-enacted

4. Sections 2, 3, 4, 5 and 6 of the said Act are repealed and the following substituted therefor:

Corporation

2.—(1) The body corporate incorporated under the name of “The Hydro-Electric Power Commission of Ontario” is continued under the name of “Ontario Hydro” and shall be composed of those persons who from time to time comprise its Board.

Change not
to affect
rights, etc.

(2) The change in the name of the Corporation does not affect its rights or obligations.

Composition
of Board

3.—(1) There shall be a Board of Directors of the Corporation consisting of a chairman, a vice-chairman, a president and not more than ten other directors.

Chairman

(2) The chairman shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.

Directors

(3) Each of the directors, other than the chairman and the president, shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding three years and may be reappointed for two further successive terms not exceeding three years each.

Vice-
chairman

(4) The vice-chairman shall be designated by the Board from among the directors appointed by the Lieutenant Governor in Council.

President

(5) The Board shall appoint the president who shall be employed by the Corporation upon such terms of employment as the Board considers desirable.

Remunera-
tion

(6) The chairman and the other directors appointed by the Lieutenant Governor in Council shall be paid such remuneration and expenses by the Corporation as may be determined from time to time by the Lieutenant Governor in Council, and such remuneration and expenses shall be part of the administration expense of the Corporation.

(7) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of any director of the Corporation if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any remuneration or expenses under this Act, nor does he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. Seat in Assembly not vacated R.S.O. 1970, c. 240

(8) A director appointed by the Lieutenant Governor in Council may be removed from office before the expiration of his term for cause, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term. Removal of director for cause

4.—(1) The business and affairs of the Corporation are under the direction and control of the Board and the chairman shall preside at all meetings of the Board. Powers of Board

(2) Meetings of the Board shall be held at the call of the chairman, but in no case shall more than one month elapse between meetings of the Board. Meetings of Board

(3) The chairman shall call a meeting of the Board immediately upon being requested to do so in writing by a majority of the other directors. Calling of meetings

(4) In the event of the absence of the chairman and the vice-chairman from any meeting of the Board, the directors present shall elect an acting chairman who, for the purpose of the meeting, shall act as and have all the powers of the chairman. Absence of chairman

(5) A majority of the directors for the time being constitutes a quorum for the transaction of business at meetings of the Board. Quorum

5.—(1) The Board may pass resolutions regulating its proceedings, specifying the powers and duties of the officers and employees of the Corporation and generally for the conduct and management of the business and affairs of the Corporation. Resolutions of Board

(2) The Board may appoint a finance committee consisting of the chairman, the vice-chairman, the president and three other directors and may delegate to the committee the powers of the Board under sections 54 and 57, subject to the restrictions, if any, imposed from time to time by the Board. Finance committee

Quorum of
committee

(3) Three members of the finance committee, of whom one shall be the chairman or the vice-chairman or the president, constitute a quorum sufficient for the exercise of all the powers of the committee.

Chairman
to act full
time

6.—(1) The chairman shall devote his whole time to the performance of his duties.

Where
office of
chairman
vacant, etc.

(2) If the office of chairman is vacant, or in the absence of the chairman from the Province or during his incapacity to act, or at the request of the chairman, the vice-chairman shall act as chairman and while so acting has all the powers and shall discharge all of the duties and functions of the chairman.

s. 7 (1),
re-enacted

5.—(1) Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor:

Officers and
employees

(1) The Corporation may appoint and employ upon such terms as it approves such officers and employees as it considers necessary for the conduct of the affairs of the Corporation.

s. 7 (5),
re-enacted

(2) Subsection 5 of the said section 7 is repealed and the following substituted therefor:

Indemnifica-
tion of
officers and
directors

(5) Every director and every officer of the Corporation, and his heirs, executors and administrators, shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses shall be part of the administration expense of the Corporation.

s. 7 (6),
amended

(3) Subsection 6 of the said section 7 is amended by striking out "Commission" in the first line and in the fourth line and inserting in lieu thereof in each instance "Corporation", and by striking out "member" in the second line and inserting in lieu thereof "director".

s. 8,
repealed

6. Section 8 of the said Act is repealed.

s. 10,
re-enacted

7. Section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 73, is repealed and the following substituted therefor:

10. The Corporation shall, after the close of each fiscal ^{Annual report} year, file with the Minister an annual report upon the affairs of the Corporation signed by the chairman or the vice-chairman of the Corporation and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

8. Clause *c* of section 12 of the said Act is amended by striking ^{s. 12 (c), amended} out "commissioners" in the second line and inserting in lieu thereof "directors".

9.—(1) Paragraph 4 of subsection 1 of section 20 of the ^{s. 20 (1), par. 4, re-enacted} said Act is repealed and the following substituted therefor:

4. The deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies or by any other bank ^{R.S.C. 1970, c. B-1} which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business.

(2) Subsection 2 of the said section 20 is repealed and the ^{s. 20 (2), re-enacted} following substituted therefor:

(2) The Corporation may deposit from time to time any part ^{Deposit of funds} of its general fund in any chartered bank of Canada, in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* or in any other bank ^{R.S.O. 1970, c. 254} that is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business on such terms and conditions and for such periods as the Corporation may consider expedient.

10.—(1) Subsection 1 of section 21 of the said Act is repealed ^{s. 21 (1), re-enacted} and the following substituted therefor:

(1) The Pension and Insurance Fund of The Hydro- ^{Pension and Insurance Fund} Electric Power Commission of Ontario, as heretofore established by the Corporation, in this section called the "fund", is continued under the name of "The Pension and Insurance Fund of Ontario Hydro" for the payment of benefits by way of pensions or superannuation allowances to, or allowances upon the death or disability of, such employees of the Corporation as the Corporation may determine in accordance with this section and any regulations made under this

section, and for the purposes of this section, "employee" includes any member or director of the Corporation who contributes or has contributed to the fund and any person in the employ of the Corporation on or after the 1st day of November, 1947.

s. 21,
amended

(2) The said section 21 is amended by adding thereto the following subsection:

Pension and
Insurance
Plan

(5a) The Pension and Insurance Plan of The Hydro-Electric Power Commission of Ontario is continued under the name of "Ontario Hydro Pension and Insurance Plan".

s. 21 (6),
amended

(3) Subsection 6 of the said section 21 is amended by striking out "the Commission may make regulations" in the second line and inserting in lieu thereof "the Corporation may make regulations with respect to the Ontario Hydro Pension and Insurance Plan, in this subsection called the 'plan'".

s. 21 (6) (a),
repealed

(4) Clause *a* of subsection 6 of the said section 21 is repealed.

s. 39 (1),
re-enacted

11.—(1) Subsection 1 of section 39 of the said Act is repealed and the following substituted therefor:

Disposal of
works to a
municipality

(1) The Corporation, upon such terms as it considers proper, may sell, lease or otherwise dispose of to a municipal corporation or commission any land or works, or any interest therein, that the Corporation is or has been using and such sale, lease or other disposal shall be deemed to be an agreement within the meaning of clause *s* of subsection 2 of section 293 of *The Municipal Act*.

R.S.O. 1970,
c. 284

s. 39 (3),
amended

(2) Subsection 3 of the said section 39 is amended by striking out "*h*" in the ninth line and inserting in lieu thereof "*i*".

s. 54 (2),
amended

12. Subsection 2 of section 54 of the said Act is amended by striking out "three" in the fifth line and in the twelfth line and inserting in lieu thereof in each instance "five".

s. 54a,
enacted

13. The said Act is amended by adding thereto the following section:

Exchange
of bonds

54a.—(1) Notwithstanding anything in this Act, where the Corporation is required to replace or exchange any bond of an issue of bonds of the Corporation outstanding on the date *The Power Commission Amendment Act, 1973* comes into force, the Corporation may deliver a bond or bonds of the same issue in accordance with the terms and conditions applicable to such issue in the name of The Hydro-Electric Power Commission of Ontario, sealed in the name of The

Hydro-Electric Power Commission of Ontario, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and signed in such manner and by such persons as may be authorized by the Corporation.

(2) The provisions of subsection 1 shall apply *mutatis* ^{Exchange of notes} *mutandis* to exchanges of notes of the Corporation comprising part of an issue of notes outstanding on the date *The Power Commission Amendment Act, 1973* comes into force.

(3) All bonds or notes delivered in accordance with the provisions of this section are legal, valid and binding obligations of the Corporation. ^{Validity of exchanged bonds and notes}

(4) Nothing in this section affects the validity of any guarantee by the Province of Ontario of the payment of ^{Guarantee by Province of Ontario} the principal of any bond or note mentioned in subsection 3 or of the interest thereon.

14. Subsection 1 of section 57 of the said Act is repealed and the following substituted therefor: ^{s. 57 (1), re-enacted}

(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation borrow by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) ^{R.S.C. 1970, c. B-1} applies, from any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business or from any person such sums as the Corporation considers requisite, either by way of bank overdraft or loan or in any other manner whatsoever. ^{Temporary loans}

15. The said Act is further amended by adding thereto the following section: ^{s. 63a, enacted}

63a. Notwithstanding any agreement heretofore or hereafter entered into by the Corporation for the supply of power to a municipal corporation, interest on any payment in arrears for the cost of power shall be charged to and paid by the municipal corporation at such rate, not in excess of 9 per cent per annum, as may be determined by the Corporation from time to time. ^{Interest on arrears by municipal corporation}

16. Subsection 4 of section 68 of the said Act is amended by striking out "Commission" in the second line and inserting in lieu thereof "Corporation". ^{s. 68 (4), amended}

17.—(1) Subsection 1 of section 93 of the said Act is amended by striking out "Commission" in the second, sixth and tenth ^{s. 93 (1), amended}

lines and inserting in lieu thereof in each instance “Corporation” and by striking out “Commission or some member thereof” in the seventh and eighth lines and inserting in lieu thereof “Board”.

s. 93 (2),
amended

(2) Subsection 2 of the said section 93 is amended by striking out “Commission or a member thereof” in the first and second lines and inserting in lieu thereof “Board”.

s. 93 (3),
repealed

(3) Subsection 3 of the said section 93 is repealed.

s. 104,
amended

18. Section 104 of the said Act is amended by striking out “Commission or of a member thereof” in the fourth line and inserting in lieu thereof “Board” and by striking out “Commission” in the fifth line and inserting in lieu thereof “Corporation”.

Amendment
of reference
to The Hydro-
Electric
Power Com-
mission of
Ontario

19. A reference in any Act or regulation to The Hydro-Electric Power Commission of Ontario or to *The Power Commission Act* shall be deemed to be a reference to Ontario Hydro and to *The Power Corporation Act*, respectively.

Commence-
ment

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Power Commission Amendment Act, 1973*.

CHAPTER 58

An Act to repeal The Power Control Act*Assented to June 22nd, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Power Control Act*, being chapter 356 of the ^{Act,} Revised Statutes of Ontario, 1970, is repealed._{repealed}
- 2.** This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
- 3.** This Act may be cited as *The Power Control Repeal* ^{Short title} *Act, 1973.*

CHAPTER 59

**An Act to amend
The Power Commission Insurance Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Power Commission Insurance Act*, being chapter 355 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

“The Power Corporation Insurance Act”

2. Clause *a* of section 1 of the said Act is repealed and the following substituted therefor:

(a) “Corporation” means Ontario Hydro.

- 3.—(1) Subsection 1 of section 2 of the said Act is amended by striking out “Commission” in the first, third, eighth and twelfth lines and inserting in lieu thereof in each instance “Corporation”.

- (2) Subsection 2 of the said section 2 is amended by striking out “Commission” in the first, eighth and tenth lines and inserting in lieu thereof in each instance “Corporation”.

- (3) Subsection 3 of the said section 2 is amended by striking out “Commission” in the second line and in the sixth line and inserting in lieu thereof in each instance “Corporation”.

- 4.—(1) Subsection 1 of section 3 of the said Act is amended by striking out “Commission” in the third, seventh and ninth lines and inserting in lieu thereof in each instance “Corporation”.

- (2) Subsection 2 of the said section 3 is amended by striking out “Commission” in the first line and inserting in lieu thereof “Corporation”.

- s. 4,
amended
5. Section 4 of the said Act is amended by striking out “Com-
mission” in the first line and in the seventh line and inserting
in lieu thereof in each instance “Corporation”.
- Commence-
ment
6. This Act comes into force on a day to be named by the
Lieutenant Governor by his proclamation.
- Short title
7. This Act may be cited as *The Power Commission Insurance
Amendment Act, 1973.*

CHAPTER 60

**An Act to establish
The Regional Municipality of Peel**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Mississauga, the City of Brampton and the Town of Albion, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Peel together with that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause *a* of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Peel;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

- (a) The Corporation of the Town of Port Credit and The Corporation of the Town of Streetsville are amalgamated as a city municipality bearing the name of The Corporation of the City of Mississauga and the portions of the Town of Mississauga and the Town of Oakville described as follows are annexed to such city:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the westerly prolongation of the centre-line of Lot 14, West of Hurontario Street;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE southerly, southwesterly and southerly along the easterly limit of the present Town of Mississauga to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement all in accordance with the

R.S.O. 1970,
c. 458

limits described in subsection 2 of section 8 of *The Territorial Division Act*.

SECONDLY, part of the Town of Oakville, commencing where the east limit of the present Town of Oakville intersects the centre-line of the King's Highway No. 5;

THENCE westerly along that line to the east limit of the Ninth Line Road;

THENCE northerly along that limit to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the place of commencement.

- (b) The Corporation of the Town of Brampton and The Corporation of the Township of Toronto Gore are amalgamated as a city municipality bearing the name of The Corporation of the City of Brampton and those portions of the Town of Mississauga and the Township of Chinguacousy described as follows are annexed to such City:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the westerly prolongation of the centre-line of Lot 14;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE northerly, westerly and southerly along the east, north and west limits of the Town to the place of commencement;

SECONDLY, part of the Township of Chinguacousy, commencing where the south limit of the present

Township of Chinguacousy intersects the west limit of the present Town of Brampton;

THENCE westerly along that limit to the west limit of the Township;

THENCE northerly along that limit to the westerly prolongation of the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE northerly along that limit to its intersection with the line between Lots 18 and 19;

THENCE easterly along that line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE southerly along that centre line to its intersection with the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line and its prolongations to the east limit of the Township;

THENCE southerly along that limit to the south limit of the Township;

THENCE westerly along that limit to the west limit of the present Town of Brampton;

THENCE northerly, westerly and southerly along the limits of the Town of Brampton to the place of commencement.

- (c) The Corporation of the Township of Albion, The Corporation of the Township of Caledon, The Corporation of the Village of Bolton and The Corporation of the Village of Caledon East are amalgamated as a town municipality bearing the name of The Corporation of the Town of Albion and the portion of the Township of Chinguacousy described as follows is annexed to such town:

Part of the Township of Chinguacousy, commencing where the west limit of the present Township of Chinguacousy intersects the westerly prolongation of the centre-line of No. 17 Side Road;

THENCE northerly, easterly and southerly along the west, north and east limits of the Township to its intersection with the centre line of No. 17 Side Road;

THENCE generally westerly along that centre line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE northerly along that centre line to its intersection with the line between Lots 18 and 19;

THENCE westerly along that line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE southerly along that east limit to its intersection with the centre line of the No. 17 Side Road;

THENCE generally westerly along that centre line to the place of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1974:

1. The Police Village of Alton.
2. The Police Village of Caledon.
3. The Police Village of Inglewood.
4. The Police Village of Palgrave.

Amalgama-
tions,
annexations,
and
dissolutions
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum
re area muni-
cipality
names

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1

shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The City of Mississauga—Nine members elected by wards.
2. The City of Brampton—Fourteen members elected by wards.
3. The Town of Albion—Nine members elected by wards.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976.

First
elections and
term of
office

(3) For the purposes of the elections of the first councils of the area municipalities and members thereof to represent the area municipality on the Regional Council,

Idem

- (a) the Minister may by order, divide into wards each area municipality as constituted by section 2 and make provision for the respective numbers of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) the Minister may by order, provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning

officers, the holding of the elections, the preparation of polling lists, and

- (ii) provide for such other matters as he considers necessary to hold the elections.

Application
of 1972, c. 95

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization
committee
in 1973

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Towns of
Port Credit
and
Streetsville
to each
constitute
one ward

(6) Notwithstanding the provisions of this section, for the purposes of the elections to council of the area municipality of the City of Mississauga to be held in the year 1973 and the year 1976 the Town of Port Credit and the Town of Streetsville shall, as they exist on the day this Act comes into force, each be constituted as a ward of the said City, entitled to elect from such ward one member to the council of the said City.

First
election
expenses

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No Board
of Control

5. No area municipality shall have a Board of Control.

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

Regional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Peel".

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
judicial
district

R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Peel, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. Registry boundaries

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Peel shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Peel. Appointments for County of Peel deemed appointments for Judicial District of Peel

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8.—(1) The Regional Council shall consist of twenty-two members composed of a chairman and, Composition of Regional Council

- (a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) nine members of council from the City of Mississauga being the remainder of the council of the City;
- (c) five members of council from the City of Brampton elected by wards as members of the Regional Council and such city council; and
- (d) four members of council from the Town of Albion elected by wards as members of the Regional Council and such town council.

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1973, 1974, 1975 and 1976. Term of office

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

Election of
chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting 1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting of
area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1970, c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When Council deemed organized

11.—(1) Twelve members of the Regional Council representing all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12. Subject to section 10, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints. Place of meeting

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

Resignation

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

Where head of council incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remuneration of committee chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except, where such chairman is also the chairman of the Regional Council.

Procedural by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

17.—(1) The chairman is the head of the Regional Council ^{Head of Council} and is the chief executive officer of the Regional Corporation.

(2) The Regional Council may by by-law appoint a chief ^{Chief administrative officer} administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284} applies to a chief administrative officer appointed under subsection 2 of this section.

18. When the chairman is absent from the Regional ^{Acting chairman} Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to ^{Application of R.S.O. 1970, c. 284} 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

20.—(1) The Regional Council shall appoint a clerk, whose ^{Appointment of clerk} duty it is,

(a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting clerk, first meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section.

Minutes open to inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of by-laws affecting land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies certified by clerk to be receivable in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment of treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

(3) When the office of the treasurer is vacant or the treasurer ^{Acting treasurer} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

23.—(1) The treasurer shall receive and safely keep all ^{Receipt and disbursement of money} money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the ^{Petty cash fund} treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, ^{When member may be paid} a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal* ^{1972, c. 142} *Conflict of Interest Act, 1972*.

(5) The treasurer is not liable for money paid by him in ^{Treasurer's liability limited} accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer shall, ^{Bank accounts}

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

(b) deposit all money received by him on account of the Regional Corporation, and no other money, to the

credit of such account or accounts, and no other account; and

- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disqualifica-
tion of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area

or by the County of Peel or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. Idem

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave credits

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. Holidays

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Peel or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. Offer of employment

Entitlement to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Application of R.S.O. 1970, c. 324

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of employment

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension rights and sick leave credits

(11) Where under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination of employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

Interpretation

28. In this Part,

(a) "approved" means approved by the Minister or of a type approved by the Minister;

- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Peel shall constitute the regional road system together with those roads under the jurisdiction and control of the County of Halton that are included within the area municipality of the City of Mississauga.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status of
land acquired
for widening
regional road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect on and after the day named by the Lieutenant Governor in Council.

Application of
R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construction
and
maintenance

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of
information
to Minister

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Peel or the County of Halton or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Peel or the County of Halton or the area municipality or municipalities as the case may be, might have done if the roads had not become part of the regional road system.

Power over
roads
assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area
municipalities may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipa-
lity to
conform to
requirements
and be
responsible
for damages

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering

Installation
of traffic
control
devices

or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of
intersecting
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other roads
by regional
road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities
of Regional
Corporation

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
cc. 284, 202

Establish-
ment of
bus lanes

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purposes of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970,
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of regional roads

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing

Agreements for pedestrian walks

the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges between area municipalities

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary bridges between Regional Area and adjoining municipality

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining

municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

46.—(1) The Regional Council has, with respect to all ^{Restrictions} land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. <sup>R.S.O. 1970,
c. 349</sup>

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. <sup>Conflict
with local
by-laws</sup>

47.—(1) The Regional Council may by by-law designate <sup>Controlled-
access roads</sup> any road in the regional road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road <sup>Closing
municipal
roads</sup> that intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any <sup>Notice of
application
for approval
for closing
road</sup> application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of <sup>Order of
O.M.B.</sup> the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads,
etc., opening
upon regional
controlled-
access road

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48.

Service
of notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure
to comply
with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation

to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by notice.

(4) Every person who fails to comply with a notice given ^{Offence} under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. ^{Regional liability where road forms part of system}

(2) Where a road forms part of the regional road system, ^{Idem} the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share ^{R.S.O. 1970, c. 255} of a local improvement work.

(3) Where the Regional Corporation fails to make any ^{Default} payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any out- ^{Settling of doubts} standing debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of
R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
area
R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Peel Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Peel Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Peel Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Area municipi-
palities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

(6) When the Minister has approved an official plan^{Effect of official plan} adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor^{R.S.O. 1970, c. 349} thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey^{Planning duties of Regional Council} the physical, social and economic conditions in relation to the development of the Peel Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Peel Planning Area, and without limiting the generality of the foregoing shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area; and
- (c) consult with any local board having jurisdiction within the Peel Planning Area.

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan^{Official plan} for the Regional Area.

(3) The Regional Council and the council of each area^{Appointment of planning staff} municipality may appoint such planning committees and staff as it considers necessary.

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a^{Regional Corporation deemed municipality under R.S.O. 1970, c. 349} planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Regional Corporation shall be deemed to be a^{Idem} county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof, created by statute for the carrying out of studies relating to the Peel Planning Area or any part thereof.

Delegation
of Minister's
powers

R.S.O. 1970,
c. 349

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of
adjustment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Peel Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of
R.S.O. 1970,
c. 349

56. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

Liability
for hospital-
ization of
indigents
R.S.O. 1970,
cc. 378, 361

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the

31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Peel or that part of the Town of Oakville which becomes part of the City of Mississauga on the 1st day of January, 1974.

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. Proviso

58.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81. Hospital costs form part of regional levy

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Peel Regional Board of Health. Regional Area to be health unit R.S.O. 1970, c. 377

(2) The health unit serving the County of Peel on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Peel Regional Board of Health. Dissolution of Peel health unit

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974 the Peel Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of certain
members

(2) The members of the Peel Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Peel Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270, 422,
490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
for homes
for aged
R.S.O. 1970,
c. 206

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest*

Homes Act, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

(2) The Peel Manor Home for the Aged and Sheridan Villa Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Peel county
homes for
aged vested
in Regional
Corporation

63.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents
of other
homes for
aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of
maintenance
payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 64

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing
liabilities
transferred
1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability
under order
made under
R.S.C. 1970,
c. J-3

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Information

68. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect

Adjustments

of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

70. In this Part, “Peel Police Board” means the Peel Regional Board of Commissioners of Police.

Peel
Regional
Board
established
R.S.O. 1970,
c. 351

71.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973 a board of commissioners of police shall be constituted to be known as the Peel Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Peel Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

72.—(1) On and after the 1st day of January, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 accord-

ing to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof; R.S.O. 1970, c. 351

- (b) *The Police Act* does not apply to any area municipality; and
- (c) The Peel Police Board and the members of the Peel Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws Fines of any area municipality, shall where prosecuted by the Peel Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force Area police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Peel Regional Police Force, and the provisions of subsections 4 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a Peel Regional Police Force local municipality on the 31st day of December, 1973, and becomes a member of the Peel Regional Police Force on the 1st day of January, 1974, is subject to the government of the Peel Police Board to the same extent as if appointed by the Peel Police Board and the Peel Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Peel Regional Police.

(3) Every person who becomes a member of the Peel Terms of employment Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Peel Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System,

and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the Town of Mississauga Police Force;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Peel Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Peel Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Peel Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Joint
bargaining
committee

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Peel Police Board in the manner and for the purposes provided in *The Police Act* and the Peel Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(6) The first meeting of the bargaining committee and the Peel Police Board shall be held not later than the 30th day of November, 1973.

Application of
R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Peel Police Board.

Assumption
of buildings

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Peel Police Board any such land or building that the Peel Police Board may require that is vested on the 1st day of July, 1973, in any local

municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the

1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommoda-
tion

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Peel Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Peel Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office
supplies, etc.

(8) At the request of the Peel Police Board, each area municipality, for the use of the Peel Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974,

and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Peel Police Board.

Property
to be
provided

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Region to be
sole
distributor
of water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

No area
municipality
to distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and

Vesting of
water supply
facilities

surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 265

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Water supply agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART VIII

REGIONAL SEWAGE WORKS

Regional Corporation responsible for sanitary sewage

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 8, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area municipality to collect sanitary sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 8.

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of
sanitary
sewage
facilities

(4) The Regional Council shall pay to the corporation of any area municipality before due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

Regional
Corporation
liability

R.S.O. 1970,
c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Special
rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

Land drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption of area municipality land drainage systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising of money by area municipality

(10) An area municipality may,

R.S.O. 1970, c. 284

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

PART IX

FINANCES

Interpretation

R.S.O. 1970, c. 32

78.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Area municipality deemed municipality under R.S.O. 1970, c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional Corporation deemed regional municipality

(a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of moneys not immediately required R.S.O. 1970, c. 284

YEARLY ESTIMATES AND LEVIES

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Allowance to be made in estimates

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application of R.S.O. 1970, cc. 32, 284

Levy on
area municipi-
palities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipality

(5) Upon completion by the Ministry of Revenue of the revision and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and weighting.

(8) Where the last revised assessment of the area municipality has been revised and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

Amendment
of by-law
where
necessary
following
appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

R.S.O. 1970,
c. 284,
1971, c. 78
1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit

Valuation
of properties

to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality both according to the last revised assessment roll as weighted by the Ministry of Revenue under subsection

1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. R.S.O. 1970, c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. Determination of rates
R.S.O. 1970, c. 405

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81, and subsections 14 and 15 of section 81 apply to such levy. Levy by Regional Council before estimates adopted

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy. Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81. Levy under s. 81 to be reduced

(4) Notwithstanding section 82, the council of an area municipality may in any year before the adoption of the estimates for that year levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. Levy by area municipality before estimates adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82. Levy under s. 82 to be reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1970, c. 284, s. 303 (4)

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment Preliminary assessment

based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised and weighted assessment under subsection 5 of section 81.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality.

Rates for
public
school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be

apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations
under R.S.O.
1970, c. 425
to apply

ADJUSTMENTS

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional
adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances
to be made
in estimates
of area
muni-
cipalities
in 1974
R.S.O. 1970,
c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged
areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

87.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Inter-
pretation

Surplus or deficit at December 31, 1973 to be applied to supporting assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Town of Mississauga, and the Township of Chinguacousy.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional determination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final determination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the

appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may by order prescribe the period ^{Period of adjustment} over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities ^{Reserve funds of municipalities} for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, other ^{Idem} than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

90.—(1) The Regional Council may in each year, if ^{Reserve funds, establishment} authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may ^{Investments and income} be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. ^{R.S.O. 1970, c. 470}

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established ^{Expenditure of reserve fund moneys} without the approval of the Ministry.

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. ^{Auditor to report on reserve funds}

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted
works

(4) When an area municipality, on or before the 31st day of December, 1973,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1970,
c. 470

93. Subject to the limitations and restrictions of this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to
incur debt or
issue
debentures
R.S.O. 1970,
c. 323

94.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Proviso

95.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing
pending
issue and
sale of
debentures

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107, shall be transferred to the area municipality.

Hypothecation
not to prevent
subsequent
sale of
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or

municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year. Idem

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law. Extension of time for issue

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. Application after time expired

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing. Effective date

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Consolidating debenture by-laws
R.S.O. 1970,
c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date

set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional

Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. ^{Principal levies}

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, ^{Consolidated bank accounts}

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. ^{Sinking fund committee}

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. ^{Chairman}

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, ^{Security}

R.S.O. 1970,
c. 284

in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking
fund assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

With-
drawals
from bank
accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Invest-
ments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by, Earnings credited to sinking fund accounts

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to Levy

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of Where amount in sinking fund account more than sufficient to pay debt

the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

(44) A money by-law may authorize the issue of debentures^{Term debentures} of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

(45) In respect of the term debentures, the by-law shall^{Amounts to be raised annually} provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be^{Retirement fund} administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

97.—(1) If the Municipal Board is of the opinion that the^{When rate of interest may be varied} current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply

any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made
R.S.O. 1970, cc. 323, 136, 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal of application

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the

persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures on which payment has been made for one year to be valid

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

Registration
of debenture
as to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement
of lost
debentures

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange
of
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debenture
of same force
and effect as
debenture
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of
debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. Deficiency

108. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. Use of proceeds of sale of asset acquired from proceeds of sale of debentures

109. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. Tenders for debentures

110.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;

Accounts,
how to be
kept

- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal, distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

114. In the year 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at more than \$5,000. Disposal of assets

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for R.S.O.
1970, c. 250,
s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
trans-
portation
system assets
in Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(10) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Emergency
measures,
civil
defence

116.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

Expenditures
for diffusing
information

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years.

Application
of
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Grants
to persons
engaged in
work
advan-
tageous to
Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Peel Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

R.S.O. 1970,
c. 505

Investi-
gation
by county
judge of
charges of
malfeasance

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the

Regional Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge
R.S.O. 1970,
c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. Idem

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. Commission of inquiry
1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways, etc.

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Agreements re services

Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O.
1970, c. 32

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
muni-
cipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Inter-
pretation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Peel" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

126.—(1) The Corporation of the County of Peel is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Peel in any agreements to which such county was a party.

(2) All the assets and liabilities of the County of Peel become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Peel shall be transferred to the clerk, and

on the same date that portion of the Town of Oakville described in clause *a* of subsection 1 of section 2 is withdrawn from the County of Halton.

Powers of
Municipal
Board

127.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Peel.

R.S.O. 1970,
c. 284

Settling
of doubts

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Peel or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

131.—(1) In this section “waste” includes ashes, garbage, refuse, domestic waste, solid industrial waste or municipal refuse and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities, Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

O.M.B.
to arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application
of R.S.O. 1970,
c. 284, s. 354

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Agreement
successor
rights

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional
Fire
Co-ordinator

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed
limits
continued
R.S.O. 1970,
c. 202

134.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O.
1970, c. 354,
s. 108

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of
electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of
commission
continue
in office

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission..

Members of
commission
not
disqualified
as members
of Council

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards,
etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Council
deemed
recreation
committee,
etc.

R.S.O. 1970,
cc. 120, 73

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers

Acquiring
land for
parks, etc.

R.S.O. 1970,
c. 384

that are conferred on boards of park management by *The Public Parks Act*.

Sale of
spirituous,
etc., liquors
in parks

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1970,
c. 250

Application
of R.S.O.
1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a muni-
cipality
under R.S.O.
1970, cc. 337, 73

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

Park lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1970,
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

Payment
in lieu
of taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

County
museum
vested in
Regional
Corporation

138. The Peel County Museum and Art Gallery together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation.

Regional
Muni-
cipality
school
division

139. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Peel is a school division and the Peel County

Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for The Regional Municipality of Peel. R.S.O. 1970,
c. 425

140.—(1) The Peel County Board of Education may, by resolution, provide that the election of members of the board shall be held in the year 1974 and unless a certified copy of such resolution is received by the Minister on or before the 15th day of July, 1973, the election of members of the board shall be held in the year 1973. School
board
elections

(2) Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Peel County Board of Education except that, notwithstanding *The Municipal Elections Act, 1972*, if such election is held in the year 1973, Idem
1972, c. 95

- (a) the polling day for the members of The Peel County Board of Education shall be the 1st day of October and the hours of polling shall be the same as for the municipal elections in the Regional Area, and the members elected on such date shall take office on the 1st day of January, 1974, and continue in office until the 31st day of December, 1976;
- (b) the Minister shall, by order, provide for the nomination of candidates for The Peel County Board of Education and may, by order, provide for any other matters necessary to hold the election for such board;
- (c) any reference in such section to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and
- (d) the expenses of the local municipalities for such election shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund,

and, if such election is held in the year 1974, the expenses of the area municipalities for such election shall be paid by The Peel County Board of Education.

(3) The members of The Dufferin-Peel County Roman Catholic Separate School Board who hold office on the day this Act comes into force continue to hold office until the 31st day of December, 1976, and the trustees shall designate which one of their number shall represent that area of the City of Mississauga formerly in the Town of Oakville. Idem

R.S.O. 1970,
c. 284, s. 244,
not to apply

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973.

Public
library
boards
R.S.O. 1970,
c. 381

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional
Area to
pass by-laws

143. The council of the City of Mississauga may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Organization
expenses

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.

Conditions
of payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title

146. This Act may be cited as *The Regional Municipality of Peel Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel declare that:

- 1. I am a British subject and am not a citizen or a subject of any foreign country.
- 2. I am of the full age of eighteen years.
- 3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
- 4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

CHAPTER 61

**An Act to amend and repeal
The Residential Property Tax Reduction Act, 1972**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 2 of *The Residential Property Tax Reduction Act, 1972*, being chapter 65 is amended by striking out “each year, including” in the first line. s. 2 (1),
amended
- (2) Subsection 2 of the said section 2 is amended by striking out “each year” in the sixth line and inserting in lieu thereof “1972” and by striking out “end of the year following the year in respect of which the application was made” in the seventh and eighth lines and inserting in lieu thereof “31st day of December, 1973”. s. 2 (2),
amended
2. Sections 3 and 4 of the said Act are repealed. ss. 3, 4,
repealed
3. *The Residential Property Tax Reduction Act, 1972*, being chapter 65, and section 1 of this Act, are repealed on the 1st day of January, 1974. Repeals
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The Residential Property Tax Reduction Amendment and Repeal Act, 1973*. Short title

CHAPTER 62

**An Act to amend
The Regional Municipal Grants Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraphs 3 and 4 of section 2 of *The Regional Municipal Grants Act*, being chapter 405 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 64, section 1, are repealed and the following substituted therefor:
 3. \$5.00 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*; R.S.O. 1970, c. 351
 4. \$3.00 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.
2. Clauses *c* and *d* of subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 64, section 2, are repealed and the following substituted therefor:
 - (*c*) \$5.00 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; and
 - (*d*) \$3.00 in relation to each area municipality to which paragraph 4 of section 2 applies.
3. Subsection 2 of section 9 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 73, section 1, is repealed and the following substituted therefor:
 - (2) The Lieutenant Governor in Council may, by order, Special payments provide for payments to be made,
 - (*a*) to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton, The

Regional Municipality of York, The District Municipality of Muskoka and to any area municipality for a period not exceeding five years from the 23rd day of July, 1971; and

- (b) to any other local municipality or regional, metropolitan or district municipality affected by any amalgamation or annexation approved by the Minister, for a period of five years after the effective date of such amalgamation or annexation,

to minimize changes in the incidence of local taxation and to promote the development of services on a regional or district basis.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Regional Municipal Grants Amendment Act, 1973*.

CHAPTER 63

**An Act to amend
The Municipal Unconditional Grants Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Unconditional Grants Act*, being chapter 293 of ^{s. 8,} the Revised Statutes of Ontario, 1970, is amended by adding ^{enacted} thereto the following section:

8.—(1) Where the Minister is satisfied that a source of ^{Special} revenue that had previously been available to a municipality has ceased to be available to that municipality, and that the municipal taxes in the municipality would otherwise be unduly increased as a direct result of the source of revenue ceasing to be available, the Minister may by order make a grant to such municipality of an amount not greater than the amount of revenue that the municipality derived from that source in the year preceding the year in which the source of revenue ceased to be available. ^{grant}

(2) A grant may be made under this section in the year ^{Limitation} in which the source of revenue ceases to be available and in ^{period for} each of the four succeeding years. ^{grants}

2. Paragraph 2 of the Schedule to the said Act, as re-enacted ^{Schedule,} by the Statutes of Ontario, 1972, chapter 63, section 3, is ^{par. 2,} amended by striking out “\$1.75” in the sixth line and inserting ^{amended} in lieu thereof “\$3.00”, so that the paragraph shall read as follows:

2. To each municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*,

R.S.O. 1970,
c. 351

\$3.00 per capita.

- Moneys
3. The moneys required for the purposes of section 1 of this Act shall, until the 31st day of March, 1974, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.
- Commence-
ment
4. This Act shall be deemed to have come into force on the 1st day of January, 1973.
- Short title
5. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1973*.

CHAPTER 64

**An Act to amend
The Ontario Education Capital Aid
Corporation Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Education Capital Aid Corporation Act*, being chapter 310 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(c) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. Clause *b* of section 3 of the said Act is repealed. s. 3 (b),
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1973*. Short title

CHAPTER 65

**An Act to amend
The Ontario Universities Capital Aid
Corporation Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Ontario Universities Capital Aid Corporation Act*, being chapter 331 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (c) “Minister” means the Minister of Colleges and Universities;
- (d) “municipality” means a metropolitan, district or regional municipality and a county, city, town, village, township or improvement district, and “municipal” has a corresponding meaning;
- (e) “Treasurer of Ontario” means the Treasurer of Ontario and Minister of Economics and Inter-governmental Affairs;
- (f) “university” means a university in Ontario designated under this Act by the Minister.

- 2.—(1) Clause *b* of section 2 of the said Act is amended by striking out “of University Affairs” in the first and second lines.

- (2) The said section 2, as amended by the Statutes of Ontario, 1971, chapter 39, section 1, is further amended by striking out “and” in the amendment of 1971, by adding “and” at the end of clause *c*, and by adding thereto the following clause:

- (d) to municipalities which issue debentures for public library purposes.

- 3.—(1) Clause *a* of section 4 of the said Act is amended by striking out “of Education” in the third line.

s. 4 (b),
amended

- (2) Clause *b* of the said section 4 is amended by striking out “of University Affairs” in the third and fourth lines.

s. 4,
amended

- (3) The said section 4, as amended by the Statutes of Ontario, 1971, chapter 39, section 2, is further amended by striking out “and” in the amendment of 1971, by adding “and” at the end of clause *c*, and by adding thereto the following clause:

- (d) to purchase from municipalities debentures issued by them for public library purposes approved by the Minister.

s. 11 (1),
amended

- 4.—(1) Subsection 1 of section 11 of the said Act is amended by striking out “*The Department of University Affairs Act*” in the second and third lines and inserting in lieu thereof “*The Ministry of Colleges and Universities Act, 1971*”, and by striking out “of University Affairs” in the sixth and seventh lines.

s. 11 (2),
amended

- (2) Subsection 2 of the said section 11 is amended by striking out “of Education” in the fifth line.

s. 11,
amended

- (3) The said section 11, as amended by the Statutes of Ontario, 1971, chapter 39, section 3, is further amended by adding thereto the following subsections:

Purchase of
municipal
debentures

- (4) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from any municipality debentures issued by such municipality for public library purposes approved by the Minister.

Approval and
validation
required

- (5) The Corporation shall not purchase any municipal debentures under the authority of this Act until,

R.S.O. 1970,
c. 323

- (a) the Ontario Municipal Board has issued its order pursuant to section 64 of *The Ontario Municipal Board Act* authorizing the municipality to proceed with the undertaking with respect to which the debentures are required; and

- (b) the municipality has had the debentures validated by the Ontario Municipal Board under sections 58, 59 and 60 of *The Ontario Municipal Board Act*.

s. 15 (c),
amended

5. Clause *c* of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 39, section 4, is amended by inserting after “universities” in the first line “municipalities”.

- 6.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 7.** This Act may be cited as *The Ontario Universities Capital Aid Corporation Amendment Act, 1973*. Short title

CHAPTER 66

**An Act to establish
The Ontario Transportation Development
Corporation**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means The Ontario Transportation Development Corporation;
- (c) "equity share" has the same meaning as in *The Business Corporations Act*; R.S.O. 1970, c. 53
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "resident Canadian" has the same meaning as in *The Business Corporations Act*;
- (f) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. Except as herein otherwise provided, *The Business Corporations Act* applies to the Corporation. Application of R.S.O. 1970, c. 53

PART II

THE ONTARIO TRANSPORTATION DEVELOPMENT
CORPORATION

INCORPORATION

3.—(1) There is hereby established a corporation with share capital under the name of "The Ontario Transportation Development Corporation". Incorporation

Board of
Directors

(2) There shall be a Board of Directors of the Corporation consisting of nine members and the first directors of the Corporation shall be appointed by the Lieutenant Governor in Council to hold office until their successors are elected by the shareholders of the Corporation.

Seat in
Assembly not
vacated

R.S.O. 1970,
c. 240

(3) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed or elected as a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

OBJECTS OF THE CORPORATION

Corporate
objects

4. The objects of the Corporation are,

- (a) to acquire, develop, adapt, use and license patents, inventions, designs and systems for all or any part of transit systems related to public transportation and rights and interests therein or thereto;
- (b) to encourage and assist in the creation, development and diversification of Canadian businesses, resources, properties and research facilities related to public transportation;
- (c) to undertake the design, development, construction, testing, operation, manufacture and sale of all or any part of transit systems related to public transportation;
- (d) to test or operate and to provide services and facilities for all or any part of transit systems related to public transportation and in connection therewith to build, establish, maintain and operate, in Ontario or elsewhere, alone or in conjunction with others, either on its own behalf or as agent for others, all services and facilities expedient or useful for such purposes, using and adapting any improvement or invention for any means of public transportation;
- (e) to manufacture vehicles and control, propulsion and guideway systems and their appurtenances and other instruments and plant used in connection with transit systems related to public transportation as the Corporation may consider advisable and to acquire, purchase, sell, license or lease the same and rights relating thereto, and to build, establish, construct, acquire, lease, maintain, operate, sell or

let all or any part of transit systems related to public transportation in Ontario or elsewhere; and

- (f) to carry on any other trade or business that, in the opinion of the Board, can be carried on advantageously by the Corporation in connection with or as ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b*, *c*, *d* and *e*.

CAPITALIZATION

5.—(1) The authorized capital of the Corporation is ^{Authorized capital} divided into,

- (a) 20,000,000 common shares without par value, to be issued for such consideration as the Board may from time to time determine; and
- (b) 50,000 special shares with a par value of one hundred dollars each, which may be issued in one or more series and, subject to the provisions of subsections 2, 3, 4 and 5 and to the filing of the statement and the issuance of the certificate in respect thereof referred to in subsection 2 of section 30 of *The Business Corporations Act*, the ^{R.S.O. 1970, c. 53} Board may fix from time to time before the issuance of a series the number of shares that is to comprise each series and the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to each series of special shares.

(2) The holders of the special shares shall not be entitled ^{Voting} to vote at any meetings of the shareholders of the Corporation other than the meetings referred to in subsection 5 but shall be entitled to notice of meetings of shareholders called for the purpose of authorizing the dissolution of the Corporation or the sale of its undertaking or a substantial part thereof and at all meetings of shareholders the holders of common shares shall be entitled to one vote for each common share held by them.

(3) The special shares of each series shall rank on a parity ^{Ranking of series of shares} with the special shares of every other series with respect to payment of dividends and distribution of assets in the event of the liquidation, dissolution or winding up of the Corporation whether voluntary or involuntary.

(4) If the special shares of any series are made redeemable ^{Redemption of shares} or purchaseable for cancellation by the Corporation, the

price at which such shares may be redeemed or purchased for cancellation shall not exceed the amount paid-up on such shares together with a premium of not more than 20 per cent of that amount and any dividends accrued and unpaid on such shares.

Variation
of rights
of special
shareholders

(5) Subject to the provisions of subsections 2, 3 and 4, the Board, by a special resolution, may delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to a series of the special shares but the resolution is not effective until,

- (a) it has been confirmed by at least two-thirds of the votes cast at a meeting of the holders of such series of shares duly called for that purpose and at the meeting the holders of shares of such series shall be entitled to one vote in respect of each share held of such series; and
- (b) a certificate of amendment has been issued pursuant to section 191 of *The Business Corporations Act*.

R.S.O. 1970,
c. 53

HEAD OFFICE

Head
office

6. The head office of the Corporation shall be in The Municipality of Metropolitan Toronto.

BOARD OF DIRECTORS

Majority
to be
resident
Canadians

7. A majority of the members of the Board shall at all times be resident Canadians.

BORROWING POWERS

Borrowing
powers

8. The Board may from time to time,
- (a) borrow money upon the credit of the Corporation;
 - (b) issue, sell or pledge debt obligations of the Corporation;
 - (c) charge, mortgage, hypothec or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable property of the Corporation including book debts, rights, powers, franchises and undertakings, to secure any debt obligations or any money borrowed or other debt or liability of the Corporation; and

- (d) delegate the powers conferred on it under this section to such directors or officers of the Corporation and to such extent and manner as is set out in the by-laws or in specific resolutions of the Board.

REGISTERS

9.—(1) The Corporation shall appoint a registrar to keep at a location in the Province of Ontario the register of security holders of the Corporation.

(2) The Corporation shall appoint a transfer agent to keep at a location in the Province of Ontario the register of transfers of all securities issued by the Corporation in registered form.

VOTING OF SHARES

10.—(1) The voting rights pertaining to any shares of the Corporation shall not be exercised when the shares are held in contravention of this Act or the by-laws of the Corporation.

(2) The validity of a transfer of shares of the Corporation that has been recorded in a register of transfers of the Corporation or the validity of an allotment of shares of the Corporation is not affected by the holding of such shares in contravention of this Act or the by-laws of the Corporation.

(3) If the voting rights pertaining to any shares of the Corporation that are held in contravention of this Act or the by-laws of the Corporation are exercised at any meeting of the shareholders of the Corporation, no proceeding at that meeting is void by reason thereof, but any such proceeding, matter or thing is, at any time within one year from the date of commencement of the meeting at which such voting rights were exercised, voidable at the option of the directors and shareholders by a by-law duly passed by the Board and sanctioned by two-thirds of the votes cast at a special general meeting of the shareholders called for the purpose.

PURCHASE OF COMMON SHARES

11. Subject to the provisions of *The Business Corporations Act*, the Corporation may purchase any of its issued common shares.

NON-APPLICATION OF CERTAIN PROVISIONS OF *The Business Corporations Act*

12. Except for the purposes of subsection 5 of section 5, the provisions of sections 189 to 254 of *The Business Cor-*

porations Act do not apply to the Corporation and the Corporation shall not enter into any arrangement, amalgamation, continuation, winding-up or dissolution within the meaning of *The Business Corporations Act*.

R.S.O. 1970,
c. 53

GENERAL

Not Crown
agency
R.S.O. 1970,
c. 100

13. The Corporation is not an agent of Her Majesty nor a Crown agency within the meaning of *The Crown Agency Act*.

Interpre-
tation

14.—(1) In this section, “non-resident” means any person other than a resident Canadian, a corporation controlled by resident Canadians, Her Majesty in right of Canada, Ontario or any other province of Canada or an agent or nominee of Her Majesty.

Equity shares
owned or
controlled
by non-
residents

(2) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction shall not at any time exceed 10 per cent of the total number of issued and outstanding equity shares of the Corporation.

Limit of
individual
ownership of
equity shares

(3) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by any person or over which he exercises control or direction shall not at any time exceed 5 per cent of the total number of issued and outstanding equity shares of the Corporation.

Idem

(4) Subsection 3 does not apply in respect of any equity shares of the Corporation beneficially owned by Her Majesty in right of Canada, Ontario or any other province of Canada or by an agent or nominee of Her Majesty.

Where person
deemed
beneficial
owner of
equity shares
R.S.O. 1970,
c. 53

(5) For the purposes of this section, a person shall be deemed to own beneficially any equity shares of the Corporation owned beneficially by any associate or affiliate of such person as such terms are defined in *The Business Corporations Act*.

Controlled
corporation

(6) For the purposes of this section, a corporation is controlled by another corporation, individual or trust if it is in fact effectively controlled by such other corporation, individual or trust, directly or indirectly, or through the holding of shares of the corporation or any other corporation, or through the holding of a significant portion of the preferred shares of a corporation or of the outstanding debt of a corporation or individual, or by any other means whether of a like or different nature.

PART III

ONTARIO PARTICIPATION

15.—(1) The Minister shall from time to time subscribe ^{Shares may be acquired by Ontario} for, purchase and hold shares of the Corporation on behalf of Her Majesty in right of Ontario and such holdings at all times shall be a majority of the outstanding shares of the Corporation.

(2) Shares of the Corporation purchased on behalf of ^{Idem, registration and voting} Her Majesty in right of Ontario shall be registered in the books of the Corporation in the name of Her Majesty in right of Ontario as represented by the Minister and may be voted by the Minister or his duly authorized nominee on behalf of Her Majesty in accordance with such regulations as the Lieutenant Governor in Council may prescribe.

16. The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and ^{Authority to loan moneys to Corporation} conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold debt obligations of the Corporation as evidence thereof.

PART IV

MISCELLANEOUS

17. The Lieutenant Governor in Council may make regula- ^{Regulations} tions respecting any matter that he considers necessary relating to,

- (a) the voting by the Minister or his duly authorized nominee in respect of shares of the Corporation held by the Minister;
- (b) terms and conditions that shall apply to the making of loans to the Corporation by the Treasurer of Ontario.

18. This Act comes into force on the day it receives ^{Commence-ment} Royal Assent.

19. This Act may be cited as *The Ontario Transportation* ^{Short title} *Development Corporation Act, 1973.*

CHAPTER 67

An Act to amend
The Public Transportation
and Highway Improvement Act

Assented to June 22nd, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The heading to Part I of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
- Part I,
heading,
re-enacted

“LAND ACQUISITION, HIGHWAYS AND OTHER WORKS”.

2. The said Act is amended by adding thereto the following sections:
- ss. 2a, 2b,
enacted

2a.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto in favour of the Crown, in respect of any highway or other works under the jurisdiction and control of the Ministry, is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Crown.

Instruments
creating
rights
analogous to
easements

(2) On and after the registration of an instrument to which subsection 1 applies in the proper land registry office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

Terms of
instrument
binding on
successors

(3) A party to an instrument to which subsection 1 applies or a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein

Liability of
grantor for
breach of
covenant
limited

mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

Land to remain subject to instrument when sold for taxes

(4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

Application

(5) This section applies notwithstanding that such right, interest, covenant or condition was granted or created by or contained in an instrument executed before the date this section comes into force.

Persons who may sign plans
R.S.O. 1970, c. 154

2b. Where this Act or *The Expropriations Act* requires a plan or other instrument under this Act, other than an order in council mentioned in section 5 or 33, to be registered in the proper land registry office or deposited with the Minister of Natural Resources, the plan or instrument shall be signed by an Ontario Land Surveyor and one of the following:

1. The Minister.
2. The Deputy Minister.
3. An Assistant Deputy Minister of the Ministry.
4. The Chief Surveyor of the Ministry.

s. 3, re-enacted

3. Section 3 of the said Act is repealed and the following substituted therefor:

Crown Land Plans

3.—(1) Where the Minister desires to acquire any Crown lands, not under the jurisdiction and control of the Ministry that he considers necessary for the purposes of the Ministry, he shall deposit with the Minister of Natural Resources and register in the proper land registry office a plan of the land to be known and marked “Crown Land Plan” and thereupon the land is under the jurisdiction and control of the Ministry.

Crown land no longer required

(2) Where the jurisdiction and control of Crown lands is no longer required by the Ministry, the Minister may, with the approval of the Minister of Natural Resources, by a writing deposited with the Minister of Natural Resources and registered in the proper land registry office, declare that the jurisdiction and control of the land is no longer required and thereupon such land is under the jurisdiction and control of the Ministry of Natural Resources.

4. Section 5 of the said Act is amended by adding thereto the following subsection: s. 5, amended

(2) The order in council designating a highway or proposed highway as The King's Highway shall be registered in the proper land registry office and any such order in council heretofore registered shall be deemed to have been required to be so registered. Registration of order in council

5. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted

6.—(1) Where the Minister desires to acquire an existing highway, he shall register in the proper land registry office, Procedure for acquiring a highway

(a) a plan of the highway to be known as and marked "Assumption Plan"; or Assumption Plan

(b) a notice to be known as and marked "Notice of Assumption" referring to a plan of the highway registered in the proper land registry office, Notice of Assumption

and thereupon the highway vests in the Crown and the Minister forthwith shall give notice in writing of such vesting to any municipality concerned.

(2) The Minister, before registering an "Assumption Plan", may register in the proper land registry office, a preliminary plan of the highway to be known as and marked "Preliminary Assumption Plan", and such Preliminary Assumption Plan when registered has the same force and effect as an Assumption Plan registered under subsection 1, but an Assumption Plan of the highway or a Notice of Assumption referring to a plan registered in the proper land registry office shall thereafter be registered under subsection 1. Preliminary Assumption Plan

- 6.—(1) Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (1), re-enacted

(1) The Minister may in the name of the Crown, acquire by purchase, lease or otherwise or may, without the consent of the owner, expropriate any land he considers necessary for the purposes of this Act or for making compensation in whole or in part to any person for land acquired under this Act. Land may be acquired or expropriated

(2) Subsection 2 of the said section 9 is repealed.

s. 9 (2), repealed

s. 18,
re-enacted

7. Section 18 of the said Act is repealed and the following substituted therefor:

Intersecting
highways

18.—(1) Except as otherwise designated by the Lieutenant Governor in Council, where the King’s Highway, other than a proposed highway, intersects a highway that is not the King’s Highway, the continuation of the King’s Highway to its full width across the highway so intersected is the King’s Highway and shall be deemed to be vested in the Crown and under the jurisdiction and control of the Ministry.

Crossing
highways

(2) Notwithstanding subsection 1, where a highway is carried over or under the King’s Highway by a bridge or other structure the surface of the highway shall be deemed to be under the jurisdiction and control of the authority that has jurisdiction and control over the remainder of the highway and the Crown shall not be liable for maintenance and repair of the surface of the highway.

s. 22 (2, 3),
re-enacted

8. Subsection 2, and subsection 3 as enacted by the Statutes of Ontario, 1971, chapter 61, section 2, of section 22 of the said Act are repealed and the following substituted therefor:

Consent
to closing
of highway
connecting
with King’s
Highway

(2) A municipality shall not open, close or divert any highway or road allowance entering upon or intersecting the King’s Highway without the consent of the Minister to the opening, closing or diversion of the highway or road allowance, and a by-law passed for any of such purposes does not take effect until the consent of the Minister is endorsed thereon and the by-law is registered in the proper land registry office.

Exception

(3) Subsection 2 does not apply where the highway or road allowance is closed for a specified period of time not exceeding seventy-two hours and the municipality has provided an adequate detour.

Consent
deemed
not
regulation
R.S.O. 1970,
c. 410

(4) A consent or approval pursuant to subsection 2 or any predecessor thereof shall be deemed not to be and never to have been a regulation within the meaning of *The Regulations Act*.

s. 24 (1),
re-enacted

9. Subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:

Construction
of works

(1) The Minister may construct, extend, alter, maintain and operate such works as he considers necessary or expedient for the purposes of the Ministry, and he and any person including a municipality or local board thereof, may enter into agreements, with respect to the construction, extension, alteration, maintenance or operation of such works.

- 10.** The said Act is further amended by adding thereto the following ^{s. 24a, enacted} section:

24a.—(1) Where the Minister considers it advantageous for ^{Joint construction projects} the Ministry and any municipality to combine separate work projects, the Minister and the municipality may enter into agreements for the construction of such works on any terms and conditions, including the sharing of costs, that the Minister considers advisable.

(2) Any municipality shall be deemed to have all the ^{Powers of municipalities} powers necessary to enter into and to carry out the terms and conditions of an agreement made under subsection 1.

- 11.** Section 26 of the said Act, as amended by the Statutes of ^{s. 26, re-enacted} Ontario, 1971, chapter 61, section 3, is repealed and the following substituted therefor:

26.—(1) In this section, “municipality” includes county, ^{Interpretation} district, metropolitan or regional municipalities and a commission that is a road authority appointed under an Act of the Legislature.

(2) The Lieutenant Governor in Council may direct that ^{Closing} any part of the King’s Highway or any part of any other highway that is under the jurisdiction and control of the Ministry shall be closed.

(3) Notwithstanding subsection 2, the Minister may direct ^{Temporary closing} that any part of the King’s Highway or any part of any other highway that is under the jurisdiction and control of the Ministry shall be closed for a specified period of time not exceeding seventy-two hours where, in the opinion of the Minister, there is an adequate detour for through traffic.

(4) The Lieutenant Governor in Council may direct the ^{Transfer to municipality or road authority} transfer of any part of the King’s Highway or any part of any other highway that is under the jurisdiction and control of the Ministry to any municipality in which it is situate and,

- (a) it vests in and is under the jurisdiction and control of the municipality on and after the day named by the Lieutenant Governor in Council;
- (b) it shall for all purposes be deemed to be part of the road system of the municipality;
- (c) any agreements made or permits granted by the Minister in relation thereto shall continue in force as though made or granted by the municipality; and

(d) all rights, privileges and benefits conferred upon or retained by the Ministry or the Crown in any agreement referred to in clause c shall enure to the benefit of and be binding upon the municipality.

Application
of s. 35

(5) Where a controlled-access highway is transferred to a municipality under this section, the provisions of section 35 shall continue to apply to such highway for a period of not more than six months thereafter or until the municipality designates the highway as a controlled-access road, whichever is the prior date, and every reference to the Minister or the Ministry in section 35 for the purpose of this section shall be deemed to be a reference to the municipality.

Removal of
highway from
jurisdiction
and control
of Ministry

(6) Where, in territory without municipal organization, an alternative route has been provided for the King's Highway or any other highway under the jurisdiction and control of the Ministry, or where for any other reason it is considered advisable that the highway or any part thereof should no longer be under the jurisdiction and control of the Ministry, the Lieutenant Governor in Council may direct that any part of the King's Highway or any part of any other highway under the jurisdiction and control of the Ministry, be no longer under the jurisdiction and control of the Ministry and the Crown shall not be liable for any damages caused by default in maintenance of the highway or for any damage sustained by any person using the highway on and after the day named by the Lieutenant Governor in Council.

Revocation of
designation
as King's
Highway

(7) Where a highway is closed for an indeterminate period, transferred to a municipality or removed from the jurisdiction and control of the Ministry under this section, any designation of the highway as the King's Highway is thereby revoked.

s. 33,
re-enacted

12. Section 33 of the said Act is repealed and the following substituted therefor:

Controlled-
access
highway
designation

33.—(1) The Lieutenant Governor in Council may designate any,

- (a) highway; or
- (b) proposed highway,

as a controlled-access highway and every highway so designated shall be deemed to be part of the King's Highway and the provisions of this Act and the regulations that apply to the King's Highway apply *mutatis mutandis* to such controlled-access highway.

(2) Any part of the King's Highway heretofore designated as a controlled-access highway under this Act or a predecessor thereof shall be deemed to have been designated in accordance with this section. Previous controlled-access designation

13. Subsections 3 and 5 of section 34 of the said Act are repealed and the following substituted therefor: s. 34 (3, 5), re-enacted

(3) The Board may direct that notice of an application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons, including municipalities and local boards thereof, as the Board determines, and may further direct that particulars of objections to the closing shall be filed with the Board and the Minister within such time as the Board directs. Application for approval

.

(5) The Minister or a person, including a municipality or local board thereof, that has filed particulars of an objection may, with leave of the Supreme Court, appeal to that court from any order made under subsection 4, and subsections 4 and 5 of section 12 apply *mutatis mutandis* thereto. Appeal

14.—(1) Subsection 2 of section 47 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 61, section 6, is repealed and the following substituted therefor: s. 47 (2), re-enacted

(2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the county treasurer out of the moneys allocated under section 46 of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to county

(2) The said section 47, as amended by the Statutes of Ontario, 1971, chapter 61, section 6, is further amended by adding thereto the following subsection: s. 47, amended

(6) Notwithstanding subsection 2, where a plan of construction and maintenance of a county road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs required to implement the plan and the financial capability of the county, direct payment to the county treasurer out of the moneys allocated under section 46 of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment for road improvement

- s. 50,
repealed

15. Section 50 of the said Act is repealed.
- s. 65 (3),
amended

16. Subsection 3 of section 65 of the said Act is amended by striking out “subject to the approval of the Minister” in the third line.
- s. 66 (1),
re-enacted

17. Subsection 1 of section 66 of the said Act is repealed and the following substituted therefor:
- Expenditures

(1) The portion of the expenditures on suburban roads remaining after taking into account the grant or grants paid pursuant to section 47 shall be borne equally by the county and the city or separated town.
- s. 73 (2),
repealed

18. Subsection 2 of section 73 of the said Act is repealed.
- s. 85 (1),
amended

19. Subsection 1 of section 85 of the said Act is amended by striking out “or of a county” in the third line.
- Part XIII,
re-enacted

20.—(1) Part XIII of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 61, section 13, is repealed and the following substituted therefor:

PART XIII

RAPID TRANSIT CONSTRUCTION

- Inter-
pretation

87.—(1) In this Part,
- (a) “municipality” includes a metropolitan or regional municipality;
- (b) “rapid transit” means a rapid transit system or part thereof designated by the Lieutenant Governor in Council.
- Items
properly
chargeable
to rapid
transit
construction

(2) For the purpose of this Part, a municipality may properly charge to rapid transit construction the cost of,
- (a) the planning and design of the rapid transit system;
- (b) the acquisition of land required for rapid transit right-of-way, stations and yards;
- (c) clearing the right-of-way of obstructions for the rapid transit system;
- (d) taking up, removing or changing the location of public utilities;

- (e) constructing tunnels, elevated guideways, stations and other structures or facilities incidental to the rapid transit system;
- (f) constructing the roadbed for the rapid transit system, the under-drainage, tracks, rails or other surface or facility upon which to operate the rapid transit vehicles;
- (g) rapid transit vehicles;
- (h) constructing,
 - (i) storage and maintenance yards or depots for rapid transit vehicles,
 - (ii) power conditioning and distribution systems,
 - (iii) train control, signalling and safety systems, and
 - (iv) communication and surveillance systems; and
- (i) such other equipment, works or services required for or in connection with the rapid transit system as the Minister may approve.

87a.—(1) A municipality may submit to the Minister a request for an allocation of moneys for rapid transit system construction together with a detailed estimate of how such allocation is proposed to be spent, and the Minister may make such allocation as he considers appropriate.

(2) Where the Minister has made an allocation of moneys under subsection 1, the municipality shall annually, and, with the consent of the Minister, may at any time during the year submit to the Minister,

- (a) a detailed statement of receipts and expenditures in respect of the rapid transit system in the form prescribed by the Minister;
- (b) a declaration of the treasurer of the municipality that the statement is correct;
- (c) a declaration of an officer of the municipality or officer responsible for the rapid transit system construction that the statement contains only receipts and expenditures for such construction; and

(d) a request, authorized by resolution of the council of the municipality, for payment of moneys allocated under subsection 1.

Payment
to
municipality

(3) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality, out of the moneys allocated under subsection 1, of an amount equal to 75 per cent of the expenditure properly chargeable to rapid transit construction and in all cases the decision of the Minister is final.

Limitation
on
payments

(4) The total of all payments made to a municipality under this section in respect of expenditures made for rapid transit in any year shall not exceed the amount of money allocated to such municipality for that year under this section.

Power to
spend
moneys
not limited

(5) This section does not limit the power of a municipality to spend moneys raised by it for rapid transit.

Con-
tributions
to be
deducted

(6) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Allocation
of moneys
in respect
of 1972
expenditures

(2) The Minister may allocate and direct the payment of moneys to the treasurer of a municipality in the year 1973 pursuant to Part XIII of *The Public Transportation and Highway Improvement Act* in respect of expenditures made by the municipality on or after the 1st day of December, 1972.

s. 87*b* (2),
amended

21.—(1) Subsection 2 of section 87*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is amended by striking out “subway” in the twenty-sixth line and inserting in lieu thereof “rapid transit”.

s. 87*b* (3),
re-enacted

(2) Subsection 3 of the said section 87*b* is repealed and the following substituted therefor:

Allocation
of moneys
by Minister

(3) The municipality may submit to the Minister a request for allocation of moneys for public transportation together with a detailed estimate of how such allocation is proposed to be spent, and the Minister may make such allocation as he considers appropriate.

(3a) Where the Minister has made an allocation of moneys under subsection 3, the municipality shall annually and, with the consent of the Minister, may at any time during the year submit to the Minister, ^{Annual statement to Minister}

(a) a detailed statement of receipts and expenditures in respect of public transportation in the form prescribed by the Minister;

(b) a declaration of the treasurer of the municipality that the statement is correct;

(c) a declaration of an officer of the municipality or officer responsible for public transportation that the statement contains only receipts and expenditures for such public transportation; and

(d) a request, authorized by resolution of the council of the municipality, for payment of moneys allocated under subsection 3.

(3b) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality, out of moneys allocated under subsection 3, an amount equal to 75 per cent of the expenditure properly chargeable to capital costs, and 50 per cent toward the expenditure of operating costs and, in all cases, the decision of the Minister is final. ^{Payment to municipality}

(3c) The total of all payments made to the municipality under this section in respect of expenditures made for public transportation in any year shall not exceed the amount of money allocated to such municipality under this section. ^{Limitation on payments}

(3d) This section does not limit the power of a municipality to spend moneys raised by it for public transportation. ^{Power to spend moneys not limited}

(3e) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. ^{Contributions to be deducted}

(3) The Minister may allocate and direct the payment of moneys to the treasurer of a municipality in the year 1973 pursuant to Part XIII-A of *The Public Transportation and Highway Improvement Act* in respect of public transportation expenditures made by the municipality in the year 1972. ^{Allocation of moneys in respect of 1972 expenditures}

s. 91a, enacted	22. The said Act is further amended by adding thereto the following section:
Power of Minister to establish, etc., ferries	91a.—(1) The Minister may establish, acquire, construct, operate and maintain ferries and acquire lands, equipment and machinery necessary and incidental thereto.
Agreements authorized	(2) The Minister and a municipality may enter into an agreement to establish, acquire, construct, operate and maintain ferries and to acquire lands, equipment and machinery necessary and incidental thereto.
Moneys	(3) The Minister may pay to a municipality the whole or part of expenditures by the municipality to establish, acquire, construct, operate and maintain ferries and to acquire lands, equipment and machinery necessary and incidental thereto.
Commence- ment	23. This Act comes into force on the day it receives Royal Assent.
Short title	24. This Act may be cited as <i>The Public Transportation and Highway Improvement Amendment Act, 1973 (No. 2)</i> .

CHAPTER 68

An Act to amend The Liquor Licence Act*Assented to June 22nd, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Liquor Licence Act*, being chapter 250^{s. 1, amended} of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 35, section 1, is further amended by adding thereto the following paragraph:

3a. “canteen” means a wardroom, mess, cafeteria, dining area, common room, or other room to which the public is not ordinarily admitted situated in or on a base, station, camp, campus, institution or other facility of,

- i. the Canadian Armed Forces, for the use of the active or reserve units thereof and their guests,
- ii. a public police force, for the use of the members thereof and their guests,
- iii. a university, college, community college or other publicly financed post-secondary educational facility for the use of the faculty, staff and students thereof and their guests, and
- iv. a hospital, rest home, convalescent home, home for the aged or other similar institution used by the patients, residents and staff thereof and their guests,

and that has the special accommodation, facilities and equipment prescribed by the regulations.

- (2) Paragraph 7 of the said section 1 is repealed and the following substituted therefor: ^{s. 1, par. 7, re-enacted}

7. “establishment” means an aircraft, canteen, club, hotel, inn, public house, railway car, recreational facility, resort, restaurant, steamship, tavern or theatre having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

s. 1, par. 17,
repealed

(3) Paragraph 17 of the said section 1 is repealed.

s. 1, par. 20,
re-enacted

(4) Paragraph 20 of the said section 1 is repealed and the following substituted therefor:

20. “permit” means a permit provided for and issued under this Act and the regulations.

s. 1,
amended

(5) The said section 1 is further amended by adding thereto the following paragraph:

22a. “recreational facility” means a golfing, skiing or curling facility or other similar facility prescribed by regulation that has the special accommodation, facilities and equipment that are prescribed by the regulations.

s. 1, par. 28,
re-enacted

(6) Paragraph 28 of the said section 1 is repealed and the following substituted therefor:

28. “theatre” means premises equipped and used to stage public performances of dramatic, musical or cultural entertainment, or such premises used, in addition to the staging of such public performances, to show motion pictures from time to time for periods not exceeding, in each year, those prescribed by regulation and having the special accommodation, facilities and equipment that are prescribed by the regulations for any of the following classes of licences:

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence.

ss. 23, 24,
re-enacted

2. Sections 23 and 24 of the said Act are repealed and the following substituted therefor:

Canteen
permit

23. The Board may issue a licence or licences to,

- (a) the officer commanding or other person responsible for and having under his control a canteen in or on a base, station or camp of the Canadian Armed Forces that is designated to the Board by the Minister of National Defence for Canada;
- (b) the officer commanding or other person responsible for and having under his control a canteen in or on a base, station or camp of any public police force;
- (c) the chief administrative officer or other person who is responsible for and has under his control a canteen in or on a campus or building of a university, college, community college or other publicly financed post-secondary educational facility; or
- (d) the chief administrative officer or other person who is responsible for and has under his control a canteen in a hospital, rest home, convalescent home, home for the aged or other similar institution.

24.—(1) The Board may, subject to this Act and the ^{Licences} regulations, and subject to the local option provisions of any Act of the Parliament of Canada or of the Legislature, issue to the owner of an establishment in respect of the following classes of establishments, a licence or licences of one or more of the classes indicated:

1. Aircraft, railway cars, or steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
 - i. dining lounge licence,
 - ii. dining room licence,
 - iii. lounge licence,
 - iv. public house licence.
2. Canteens, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
 - i. dining lounge licence,
 - ii. dining room licence,

- iii. lounge licence,
 - iv. public house licence.
3. Clubs, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,
- i. a club licence,
 - ii. a club licence (restricted).
4. Hotels and inns, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
- i. dining lounge licence,
 - ii. dining room licence,
 - iii. lounge licence,
 - iv. public house licence,

and taverns and theatres, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- v. dining lounge licence,
- vi. dining room licence,
- vii. lounge licence,

but the Board shall not issue a dining lounge licence or a lounge licence to a hotel, inn, tavern or theatre situated in a municipality in which such licences have not been issued heretofore to hotels, inns, taverns or theatres unless or until an affirmative vote has been taken on question 8 or 9, as the case may be, of subsection 1 of section 73, and section 73 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 71 is in force therein.

5. Public houses, having special accommodation, facilities and equipment prescribed by the regulations

for the designated parts of the establishment in respect of which a licence is issued,

- i. public house licence,
- ii. dining room licence.

6. Recreational facilities, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued,

- i. dining lounge licence,
- ii. dining room licence,
- iii. lounge licence,
- iv. public house licence.

7. Resorts, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,

- i. dining lounge licence,
- ii. dining room licence.

8. Restaurants, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a dining room licence.

(2) The Board shall not issue a dining room licence or a public house licence in any municipality in which such licences have not been issued, except in the case of,

Vote for
dining room
and public
house
licences

(a) an establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, 1944, c. 33 including therein a privilege corresponding to the licence issued under this Act, was held on the 1st day of January, 1947; or

(b) an establishment classified as a hotel, inn, club, railway car or steamship,

unless or until an affirmative vote has been taken on question 4, 5, 6 or 7, as the case may be, of subsection 1 of section 73, and section 73 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 71 is in force therein.

Votes re
resorts,
canteens and
recreational
facilities

(3) Notwithstanding that an affirmative vote has not been taken therefor under section 73, the Board may issue the following classes of licences to,

- (a) a canteen or recreational facility,
 - i. dining lounge licence,
 - ii. dining room licence,
 - iii. lounge licence ; and
- (b) a resort,
 - i. dining lounge licence,
 - ii. dining room licence.

s. 56,
amended

3. Section 56 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding thereto the following subsection :

Card as
proof of
age

(7) A person who sells or supplies liquor to another person or permits another person to enter or be upon licensed premises shall be deemed not to be in contravention of subsection 1, 2 or 5 if, before he sells or supplies the liquor or permits the other person to enter or be upon the premises, a card in the form prescribed under section 70*a* of *The Liquor Control Act* is produced to him by such other person which purports to be issued by the Liquor Control Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it.

R.S.O. 1970,
c. 249

s. 86,
amended

4.—(1) Section 86 of the said Act is amended by adding thereto the following clauses :

- (j*a*) prescribing the facilities that are recreational facilities for the purposes of paragraph 22*a* of section 1 ;
- (j*b*) prescribing the maximum periods in which motion pictures may be shown in theatres for the purposes of paragraph 28 of section 1.

s. 86 (*m*),
amended

(2) Clause *m* of the said section 86 is amended by striking out “or military mess” in the second line.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Liquor Licence Amendment Act, 1973*.

CHAPTER 69

An Act to amend The Liquor Control Act

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 70 of *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding thereto the following subsection: s. 70,
amended

(5) A person who sells or supplies liquor to another person shall be deemed not to be in contravention of subsection 1 or 2 if before he sells or supplies the liquor, a card in the form prescribed under section 70a is produced to him by the person to whom he sells or supplies the liquor, which purports to be issued by the Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it. Card as
proof of
age

2. The said Act is amended by adding thereto the following section: s. 70a,
enacted

70a.—(1) Any person who is over the age of eighteen years and not an interdicted person may apply to the Board for a card certifying that such person has attained the age of eighteen years. Card
certifying
age

(2) A card issued by the Board shall contain a photographic likeness of the applicant and otherwise be in the form prescribed by the regulations. Form of
card

(3) The Board, with the approval of the Lieutenant Governor in Council, may make regulations prescribing the form and content of the application and of the card, requiring the payment of a fee for its issuance and prescribing the amount thereof. Regulations

(4) No person shall supply false information or a false photographic likeness in an application made under subsection 1, or alter in any way, any card issued by the Board. False
information

False card

(5) No person shall present as evidence of his age any card purporting to be issued by the Board other than a card issued to him by the Board.

Offence

(6) Every person who contravenes the provisions of subsection 4 or 5 of this section is guilty of an offence and liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Liquor Control Amendment Act, 1973*.

CHAPTER 70

**An Act to establish
The Regional Municipality of Halton**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

- (a) “area municipality” means the municipality or corporation of the City of Burlington, the Town of Oakville, the Town of Central Halton and the Town of North Halton, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning

board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Halton excluding that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause *a* of subsection 1 of section 2 of *The Regional Municipality of Peel Act, 1973*, and excluding that portion of the Township of Nassagaweya excluded from the said Township under clause *c* of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included with the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Halton;

- (q) “Regional Council” means the council of the Regional Corporation;
- (r) “regional road” means a road forming part of the regional road system established under Part III;
- (s) “roadway” means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

- (a) The portion of the Town of Burlington, described as follows, is incorporated as a city municipality bearing the name of The Corporation of the City of Burlington:

COMMENCING where the west limit of the present Town of Burlington intersects the highwater mark of Hamilton Harbour;

THENCE northerly, easterly and northerly along that limit to the centre-line of No. 10 Side Road;

THENCE easterly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE southerly along that centre-line to the centre-line of No. 2 Side Road;

THENCE easterly along that centre-line to the line between Lots 3 and 4, Concession II North of Dundas Street;

THENCE southerly along that line to the centre-line of No. 1 Side Road;

THENCE easterly along that centre-line to the east limit of the present Town of Burlington;

THENCE southerly along that limit to the highwater mark of Lake Ontario.

THENCE southerly and westerly in accordance with the Township limits in Lake Ontario established by subsection 2 of section 8 of *The Territorial Division Act*; R.S.O. 1970,
c. 458

THENCE through the Burlington Canal;

THENCE northerly and westerly along the present shore line boundary of the Town of Burlington to the point of commencement.

- (b) The portion of the Town of Oakville, described as follows is continued as a town municipality:

COMMENCING where the west limit of the present Town of Oakville intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the centre-line of Burnhamthorpe Road;

THENCE easterly along that centre-line to the centre-line of the King's Highway No. 25;

THENCE generally northerly along that centre-line to the centre-line of the Base Line Road;

THENCE easterly along that centre-line to the centre-line of the Fourth Line Road;

THENCE southeasterly along that centre-line to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE easterly along that line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the centre-line of the King's Highway No. 5;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement, all in accordance with the limits described in subsection 2 of section 8 of *The Territorial Division Act*.

- (c) The Town of Milton is continued as a town municipality bearing the name of The Corporation of the Town of Central Halton and those portions of the Township of Nassagaweya, the Township of Esquesing, the Town of Oakville, and the Town of Burlington, described as follows, are annexed to such Town:

FIRSTLY, Part of the Township of Nassagaweya, commencing where the north limit of the Township

of Nassagaweya intersects the east limit of the Police Village of Eden Mills being the line between the east and west halves of Lot 32, Concession III;

THENCE easterly, southerly, westerly and northerly along the north, east, south and west limits of the Township of Nassagaweya to the north limit of said Township;

THENCE easterly along the north limit to the west limit of Lot 32, Concession II;

THENCE southerly along that limit to the south limit of said Lot 32;

THENCE easterly along that limit and the south limit of Lot 32, Concession III to the line between the east and west halves of Lot 32, Concession III;

THENCE northerly along that line to the place of commencement.

SECONDLY. Part of the Township of Esquesing, commencing where the south limit of the Township of Esquesing intersects the west limit of the present Town of Milton;

THENCE westerly along that south limit to the west limit of the Township of Esquesing;

THENCE north along that limit to the centre-line of Campbellville Road;

THENCE easterly along that centre-line to the line between the east and west halves of Concession V of the said Township;

THENCE southerly along that line to the south limit of the Township of Esquesing;

THENCE westerly along that limit to the easterly limit of the Town of Milton;

THENCE northwesterly and southerly along the limits of the Town of Milton to the place of commencement.

THIRDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the east limit of the present Town of Milton;

THENCE easterly along that north limit of the Town of Oakville to the centre-line of the Fourth Line Road;

THENCE southerly along that centre-line to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE westerly along that line to the centre-line of the Fourth Line Road;

THENCE northwesterly along that centre-line to the centre-line of the Base Line Road;

THENCE westerly along that centre-line to the centre-line of the King's Highway No. 25;

THENCE generally southerly along that centre-line to the centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the west limit of the present Town of Oakville;

THENCE northerly along that limit to the north limit of the said Town;

THENCE easterly along that limit to the west limit of the present Town of Milton;

THENCE southerly, easterly and northerly along the limits of the said Town to the place of commencement.

FOURTHLY. Part of the Town of Burlington, commencing where the west limit of the present Town of Burlington intersects the centre-line of No. 10 Side Road;

THENCE northerly, easterly and southerly along the west, north and east limits of the said Town to centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the line between Lots 3 and 4, Concession II, North of Dundas Street;

THENCE northerly along that line to the centre-line of No. 2 Side Road;

THENCE westerly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE northerly along that centre-line to the centre-line of No. 10 Side Road;

THENCE westerly along that centre-line to the place of commencement.

- (d) The Town of Acton and the Town of Georgetown are amalgamated as a town municipality bearing the name of The Corporation of the Town of North Halton and those portions of the Township of Esquesing and the Town of Oakville, described as follows, are annexed to such Town.

FIRSTLY. Part of the Township of Esquesing, commencing where the west limit of the Township of Esquesing intersects the centre-line of Campbellville Road;

THENCE northerly, easterly, southerly and westerly along the west, north, east and south limit of said Township to the southerly prolongation of the line between the east and west halves of Concession V of said Township;

THENCE northerly along that line to the centre-line of Campbellville Road;

THENCE westerly along that centre-line to the place of commencement;

SAVING AND EXCEPTING the Town of Acton and the Town of Georgetown.

SECONDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the centre-line of Fourth Line Road;

THENCE easterly and southerly along the north and east limits of the Town of Oakville to the centre-line median of the Macdonald-Cartier Freeway;

THENCE generally westerly along that centre-line to the centre-line of Fourth Line Road;

THENCE northerly along that centre-line to the place of commencement.

Dissolution
of police
village

(2) The police village of Campbellville is dissolved on the 1st day of January, 1974.

Amalgama-
tions,
annexations,
and dissolu-
tions deemed
by Municipal
Board
orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum
re area
municipality
names

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of area
municipal
councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Burlington—sixteen members elected by wards.
2. The Town of Oakville—twelve members elected by wards.

3. The Town of Central Halton—ten members elected by wards.
4. The Town of North Halton—twelve members elected by wards.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976. First elections and term of office

(3) For the purposes of the elections of the first councils of the area municipalities, and members thereof to represent the area municipality on the Regional Council, Idem

- (a) the Minister may by order, divide into wards each area municipality as constituted by section 2 and make provision for the respective numbers of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) the Minister may by order, provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, and preparation of polling lists, and
 - (ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*. Application of 1972, c. 95

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. Organization Committee in 1973

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities and members and trustees of school boards in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. First election expenses

5. No area municipality shall have a Board of Control. No Board of Control

PART II

INCORPORATION AND ESTABLISHMENT OF THE
REGIONAL COUNCIL

Regional Corporation constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of “The Regional Municipality of Halton”.

Deemed municipality under R.S.O. 1970, cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional Area deemed judicial district
R.S.O. 1970, c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Halton, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Registry boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-ments for County of Halton deemed appointments for Judicial District of Halton

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Halton shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Halton.

Regional Council to exercise corporate powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers exercised by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be quashed as unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition of Regional Council

8.—(1) The Regional Council shall consist of twenty-five members composed of a chairman and,

(a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

- (b) eight members of council from the City of Burlington, elected by wards as members of the Regional Council and the council of such area municipality;
- (c) six members of council from the Town of Oakville, elected by wards as members of the Regional Council and the council of such area municipality;
- (d) two members of council from the Town of Central Halton, elected by wards as members of the Regional Council and the council of such area municipality;
- (e) four members of council from the Town of North Halton, elected by wards as members of the Regional Council and the council of such area municipality.

(2) The members elected to the Regional Council in the year 1973, under the provisions of subsection 1, shall hold office for the years 1973, 1974, 1975 and 1976. Term of office

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where Chairman member of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

First
meeting in
1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the years 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate
of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and declara-
tion of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

R.S.O. 1970,
c. 284

When
Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

11.—(1) Thirteen members of the Regional Council representing three area municipalities are necessary to form a quorum^{Quorum, voting} and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

(2) Subject to subsection 3, each member of the Regional Council has one vote only.^{One vote}

(3) The chairman does not have a vote except in the event of an equality of votes.^{Chairman vote}

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area^{Place of meeting} and at such times as the Regional Council from time to time appoints.

13.—(1) When a vacancy occurs in the office of a chairman^{Vacancies, chairman} who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Regional Council fails to elect a chairman within^{Idem} twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

(4) When a vacancy occurs in the office of a member,^{Other members} other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of^{Resignation} the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

(6) In the event that the head of a council of an area^{Where head of council} municipality is for any reason unable to fulfil his duties as a^{incapacitated} member of the Regional Council for a period exceeding one

month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remunera-
tion

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-
tion of
committee
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
adminis-
trative
officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. Application of R.S.O. 1970, c. 284

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. Acting chairman

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation. Idem

20.—(1) The Regional Council shall appoint a clerk, whose duty it is, Appointment of clerk

(a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. Deputy clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. Acting clerk

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section. Acting clerk, first meeting

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt
and disburse-
ment of
money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or

resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. ^{Petty cash fund}

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*. ^{When member may be paid} ^{1972, c. 142}

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. ^{Treasurer's liability limited}

24. Subject to subsection 3 of section 23, the treasurer shall, ^{Bank accounts}

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disqualification of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the Regional Corporation or a local board thereof shall be

deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board ^{Idem} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board ^{Sick leave credits} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board ^{Holidays} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(5) The Regional Council shall offer to employ every person ^{Offer of employment} who, on the 1st day of April, 1973, is employed by the County of Halton or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

Entitlement
to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Application
of R.S.O.
1970, c. 324

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension
rights and
sick leave
credits

(11) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

28. In this Part,

Interpre-
tation

- (a) “approved” means approved by the Minister or of a type approved by the Minister;
- (b) “construction” includes reconstruction;
- (c) “maintenance” includes repairs;
- (d) “Minister” means the Minister of Transportation and Communications;
- (e) “Ministry” means the Ministry of Transportation and Communications;
- (f) “road authority” means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Halton shall constitute the regional road system, except any such roads which on the 1st day of January, 1974, are within the City of Mississauga and constitute part of the regional road system of The Regional Municipality of Peel and any such roads within that portion of the Township of Nassagaweya excluded from the said township under clause *c* of subsection 1 of section 2.

County
roads to
constitute
regional
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Adding or
removing
roads by
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of
provincial
highway to
Regional
Corporation

R.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of
roads in
regional
road system

Removal of roads from regional road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads removed from system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status of land acquired for widening regional road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidating by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

Application of R.S.O. 1970, c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of construction and maintenance

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Furnishing of
information
to Minister

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84*d* of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Maintenance
and repair

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Halton or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Halton or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system.

Power
over roads
assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area muni-
cipalities may
construct
sidewalks,
etc.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Area municipi-
pality to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Installation
of traffic
control
devices

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation
of intersect-
ing roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection
of other
roads by
regional
road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection, “public transit motor vehicle” means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

Establishment of bus lanes

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

Contribution
toward cost
of signal-
lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within 100
feet of
regional
roads
R.S.O. 1970,
c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for
pedestrian
walks

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes
as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the

Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Term of order

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary bridges between area municipalities
R.S.O. 1970, c. 284

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary bridges between Regional Area and adjoining municipality

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions

R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict with local by-laws

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to

Notice of application for approval for closing road

such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95,
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon regional controlled-access road

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48. Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. Regional liability where road forms part of system

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of roads
commissioner

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system.

R.S.O. 1970,
c. 366

Application
of

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

R.S.O. 1970,
c. 201

PART IV

PLANNING

Planning
area

54.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Halton Planning Area.

R.S.O. 1970,
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Halton Planning Area.

Designated
municipality
R.S.O. 1970,
c. 349

(3) All planning areas and subsidiary planning areas that are included in the Halton Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Planning
areas
dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Area municipi-
palities
subsidiary
planning
areas

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Proviso

(6) When the Minister has approved an official plan adopted by the Regional Council,

Effect of
official
plan

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Halton Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Halton Planning Area, and without limiting the generality of the foregoing shall,

Planning
duties of
Regional
Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area;

(b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area; and

(c) consult with any local board having jurisdiction within the Halton Planning Area.

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appoint-
ment of
planning
staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Idem

(5) The Regional Corporation shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Halton Planning Area or any part thereof.

Delegation of
Minister's
powers

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of adjust-
ment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Halton Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of R.S.O.
1970, c. 349

56. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1970,
cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Halton, excluding that part of the Town of Oakville which becomes part of the City of Mississauga, and that portion of the Township of Nassagaweya excluded from the said township under clause *c* of subsection 1 of section 2, on the 1st day of January, 1974.

Existing
liabilities
transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

Proviso

58.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to
hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of
principal
and interest
to area
municipi-
palities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Hospital
costs form
part of
regional levy

Regional
Area to
be health
unit

R.S.O. 1970,
c. 377

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Halton Regional Board of Health.

Dissolution
of Halton
health unit

(2) The health unit serving the County of Halton on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Halton Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974, the Halton Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
members

(2) The members of the Halton Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Halton Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*

2. *The Mental Hospitals Act.*

3. *The Sanatoria for Consumptives Act.*

4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed county under R.S.O. 1970, cc. 104, 192, 203

1. *The Day Nurseries Act.*

2. *The General Welfare Assistance Act.*

3. *The Homemakers and Nurses Services Act.*

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged R.S.O. 1970, c. 206

(2) The home for the aged known as Halton Centennial Manor and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Halton county home for aged vested in Regional Corporation

63.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing liabilities transferred 1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability under order made under R.S.C. 1970, c. J-3

Information **67.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments **68.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204 **69.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation **70.** In this Part, "Halton Police Board" means the Halton Regional Board of Commissioners of Police.

Halton
Regional
Board
established
R.S.O. 1970,
c. 351 **71.**—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973 a board of commissioners of police shall be constituted to be known as the Halton Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum (2) Three members of the Halton Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion (3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Halton Police Board appointed by the Lieutenant Governor in Council, and the members appointed

R.S.O. 1970,
c. 351

by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

72.—(1) On and after the 1st day of January, 1974,

Regional
Corporation
deemed city
under
R.S.O. 1970,
c. 351

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

(b) *The Police Act* does not apply to any area municipality; and

(c) The Halton Police Board and the members of the Halton Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Halton Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Halton Regional Police Force, and the provisions of subsections 4, 8 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Halton Regional Police Force on the 1st day of January, 1974, is subject to the government of the Halton Police Board to the same extent as if appointed by the Halton Police Board and the Halton Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Halton Regional Police Force.

(3) Every person who becomes a member of the Halton Regional Police Force under subsection 1 shall,

Terms of
employment

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Halton Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the Town of Burlington Police Force;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Halton Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Halton Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Halton Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Joint
bargaining
committee

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Halton Police Board in the manner and for the purposes provided in *The Police Act* and the Halton Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(6) The first meeting of the bargaining committee and the Halton Police Board shall be held not later than the 30th day of November, 1973.

Application
of
R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Halton Police Board.

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Halton Police Board any such land or building that the Halton Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Halton Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Halton Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office
supplies, etc.

(8) At the request of the Halton Police Board, each area municipality, for the use of the Halton Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police

force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Halton Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Halton Police Board.

Property
to be
provided

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Region to
be sole
distributor
of water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

No area
municipality
to distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and

Vesting of
water supply
facilities

surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement.

R.S.O. 1970, c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Water supply agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreement with other regional corporation

(7) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

PART VIII
REGIONAL SEWAGE WORKS

Regional Corporation responsible for sanitary sewage

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided for in subsection 8, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area municipality to collect sanitary sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any

Act for the collection and disposal of sewage, except as provided in subsection 8.

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of sanitary sewage facilities

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work. Regional Corporation liability
R.S.O. 1970, c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. Default

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board. Special rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as Agreements

provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Land
drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipal
land
drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising
of money
by area
municipality

(10) An area municipality may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

Agreement
with other
regional
corporation

(11) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

PART IX

FINANCES

- 78.**—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*. Interpretation
R.S.O. 1970,
c. 32
- (2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act. Area municipality deemed municipality under
R.S.O. 1970,
c. 405
- (3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that, Regional Corporation deemed regional municipality
- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment of moneys not immediately required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES AND LEVIES

- 80.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. Yearly estimates
- (2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. Allowance to be made in estimates
- (3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of
R.S.O. 1970,
cc. 32, 284

Levy on
area muni-
cipalities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized
assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipi-
palities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

Amendment
of by-law
where
necessary
following
appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes, which include a payment in respect of regional levies, are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment
to include
valuations on
properties
for which
payments
in lieu of
taxes paid

R.S.O. 1970,
c. 284
1971, c. 78,
1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred

Valuation of
properties

to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Equalized
assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both accord-

ing to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

R.S.O. 1970,
c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Determina-
tion of
rates

R.S.O. 1970,
c. 405

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy.

Levy by
Regional
Council
before
estimates
adopted

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

Levy under
s. 81, to be
reduced

(4) Notwithstanding section 82, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year of residential real property of public school supporters.

Levy by
area muni-
cipality
before
estimates
adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82.

Levy under
s. 82, be
reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of
R.S.O. 1970,
c. 284, s. 303 (4)

Preliminary
assessment

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 81.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for

secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations
under
R.S.O. 1970,
c. 425, to
apply

ADJUSTMENTS

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional
adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances
to be made
in estimates
of area
municipi-
palities in
1974
R.S.O. 1970,
c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged
areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall

Idem

be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Interpre-
tation

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Town of Oakville, the Town of Burlington and the Township of Esquesing.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
deter-
mination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination. Idem

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. Documents and records

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made. Period of adjustment

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income

R.S.O. 1970, c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1973, ^{Uncompleted works}

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1970,
c. 470

93. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to
incur debt
or issue
debentures

94.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Proviso

95.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional

Borrowing
pending
issue and
sale of
debentures

Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date

with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law. Special levy against area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4. Levy by area municipalities

(7) Notwithstanding subsection 5, the Regional Council may by by-law, Instalment debentures and debentures to refund existing debentures at maturity

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall

be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law
to change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the

debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(12) All the debentures shall bear the same date, except Date of debentures where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the Idem debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law. Extension of time for issue

(15) The extension may be made although the application is not made until after the expiration of the two years Application after time expired or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing. Effective date

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Consolidating debenture by-laws R.S.O. 1970, c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set

for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or

- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provided that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount^{Principal levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking^{Consolidated bank accounts} fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be^{Sinking fund committee} a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(25) The Regional Council may appoint an alternate mem-^{Alternate members}ber for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of sinking fund assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals from bank accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- R.S.O. 1970,
c. 470
- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Release of
securities by
Treasurer
of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

Earnings
credited
to sinking
fund
accounts

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Sinking
fund require-
ments

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Failure
to levy

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the

Where
amount in
sinking
fund
account
more than
sufficient
to pay
debt

estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No
diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account ; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be

provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

(44) A money by-law may authorize the issue of debentures^{Term debentures} of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

(45) In respect of the term debentures, the by-law shall^{Amounts to be raised annually} provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be^{Retirement fund} administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

97.—(1) If the Municipal Board is of the opinion that the^{When rate of interest may be varied} current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

(d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

(e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Consolida-
tion of
debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of
by-law when
part only
of money
to be raised

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding

debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made R.S.O. 1970, cc. 323, 136, 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by

Dismissal of application

subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other

person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency of signatures

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures on which payment has been made for one year to be valid

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in

Transfer by entry in Debenture Registry Book

subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Registration
of
debenture as
to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement
of lost
debentures

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New debenture of same
force and
effect as
debenture
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is ^{Surplus} realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the ^{Deficiency} amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of moneys ^{Use of proceeds of sale of asset acquired from proceeds of sale of debentures} received by the Regional Corporation from the sale of hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

109. When the Regional Corporation intends to borrow ^{Tenders for debentures} money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for

tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

110.—(1) The Regional Council shall,

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112. --(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for

one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

(3) The members who vote for such application are disqualified from holding any municipal office for two years. Disqualification

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, Refinancing of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

114. In 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000, Disposal of assets

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

- Deemed city under R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.
- Erections, annexations and amalgamations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.
- Public transportation systems, refuse disposal, entertainment expenses, etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.
- Delegation of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.
- Deemed municipality for R.S.O. 1970, c. 250, s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.
- By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality.
- Idem

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.
- Vesting of transportation system assets in Regional Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality

used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

(10) If the Regional Corporation fails, on or before the ^{Default} due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

116.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

Deemed
county for
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Expenditures
for diffusing
information

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application
of
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Grants
to persons
engaged in
work advan-
tageous to
Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Halton Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death,

R.S.O. 1970,
c. 505

to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken. Investigation by county judge of charges of malfeasance 1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. Idem

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. Commission of inquiry

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways,
etc.

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O.
1970, c. 23

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Halton" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

Function
of clerk,
collector
and assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

County
dissolved

126.—(1) The Corporation of the County of Halton is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Halton in any agreements to which such county was a party.

Assets and
liabilities,
etc.

(2) All the assets and liabilities of the County of Halton become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Halton shall be transferred to the clerk, and on the same date the Police Village of Eden Mills is withdrawn from the County of Halton.

Powers of
Municipal
Board

R.S.O. 1970,
c. 284

127.—(1) Except as provided in this Act the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Halton.

Settling
of doubts

R.S.O. 1970,
c. 323

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

(2) The provisions of any special Act relating to the County of Halton or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. Special legislation

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities, Municipal buildings

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

131.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or. Waste disposal sites

any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Payments of principal and interest to area municipalities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made.

O.M.B. to arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application of R.S.O. 1970, c. 284, s. 354

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Agreement successor rights

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional Fire Co-ordinator

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing speed limits continued
R.S.O. 1970, c. 202

134.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area

that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of
Regional
Council and
area councils
R.S.O. 1970,
c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Existing
speed limits
continued

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Application
of R.S.O.
1970, c. 354,
s. 108

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission.

Members of
commission
continue
in office

(4) The board of trustees of the Police Village of Campbellville as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Campbellville.

Board of
trustees
deemed
commission

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Campbellville shall be assumed on the 1st day of January, 1974, by the

Assets

Hydro-Electric Commission of Campbellville and the said Commission shall be deemed to be a local board of the Town of Central Halton.

Commissions
dissolved

(6) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Members of
commission
not disquali-
fied as
members of
Council

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Boards, etc.,
dissolved

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Council
deemed
recreation
committee,
etc.
R.S.O. 1970,
cc. 120, 73

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Acquiring
land for
parks, etc.

R.S.O. 1970,
c. 384

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application
of R.S.O.
1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

Regional Corporation
a municipality under
R.S.O. 1970,
cc. 337, 73

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

Public lands
owned by
conservation
authority

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Payment
in lieu
of taxes

138. The Halton County Museum together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation.

County
museum
vested in
Regional
Corporation

139. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, the Regional Municipality of Halton is a school division and the Halton County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for the Regional Municipality of Halton.

Regional
Municipality
school
division

R.S.O. 1970,
c. 425

140. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Halton County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Halton County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1973,

Election
R.S.O. 1970,
c. 430

1972, c. 95

(a) the polling day for the members of The Halton County Board of Education and of The Halton County Roman Catholic Separate School Board shall

be the 1st day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area and the members elected on such date shall take office on the 1st day of January, 1974, and continue to hold such office until the 31st day of December, 1976;

- (b) the Minister shall, by order, provide for nomination of candidates for the Halton County Board of Education and for The Halton County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284, s. 244
not to apply

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973.

Public
library
boards
R.S.O. 1970,
c. 381

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional
Area to
pass by-laws

143. The council of the City of Burlington may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Organiza-
tional
expenses

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.

Terms of
payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title

146. This Act may be cited as *The Regional Municipality of Halton Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Halton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6).)

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Halton declare that:

- 1. I am a British subject and am not a citizen or a subject of any foreign country.
- 2. I am of the full age of eighteen years.
- 3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
- 4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

CHAPTER 71

**An Act to amend
The Regional Municipality of Ottawa-Carleton Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 8 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 8 (6),
re-enacted

(6) No business shall be proceeded with at the first meeting until after the declaration of office in Form 20 of *The Municipal Act* has been made by all members who present themselves for that purpose.

Declaration
of office
R.S.O. 1970
c. 284

2. Subsection 4 of section 22 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*".
3. Section 26 of the said Act is amended by adding thereto the following subsections:

s. 22 (4),
amended

s. 26,
amended

(10) Notwithstanding subsections 1 and 5 of section 239 of *The Municipal Act*, the Regional Council may grant an annual retirement allowance payable weekly, monthly or otherwise, to an employee during his life who has had continuous service for at least ten years with the Regional Corporation, or with the Regional Corporation and any other municipality or local board as defined in *The Municipal Affairs Act*, or any two or more of them, and who, while in the service of the Regional Corporation, has become incapable through illness or otherwise of efficiently discharging his duties, provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of the Regional Corporation or any local board shall

Partial
disability
benefits

R.S.O. 1970
c. 118

exceed the amount of any retirement allowance to which any such employee would be entitled if the employee were a member of the City of Ottawa Superannuation Fund.

Annual
retirement
allowance

(11) Where the Regional Council grants an annual retirement allowance to an employee under subsection 10, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

Disability
insurance
R.S.O. 1970,
c. 224

(12) The Regional Council may enact by-laws for providing by contract with an insurer, licensed under *The Insurance Act*, disability insurance for employees or any class thereof, and for paying all or part of the cost thereof.

Employee
defined
R.S.O. 1970,
c. 284

(13) In subsections 10 and 11, "employee" has the same meaning as in paragraph 64 of section 352 of *The Municipal Act*, but does not include an employee who is a member of the City of Ottawa Superannuation Fund.

s. 31,
amended

4.—(1) Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 126, section 4, is further amended by adding thereto the following subsections:

Assumption
of work

(2a) The Regional Council may at any time pass by-laws assuming as a regional work any work vested in or operated by, for or on behalf of any area municipality or local board thereof, and such by-law shall specify the date on which the work becomes vested in the Regional Corporation.

Agreements

(2b) The Regional Council may with regard to any work enter into such agreements as it deems necessary.

s. 31 (3),
amended

(2) Subsection 3 of the said section 31 is amended by striking out "or 2" in the first line and inserting in lieu thereof "2 or 2a".

s. 55d,
enacted

5. The said Act is amended by adding thereto the following section:

Bus lanes,
designation
by by-law

55d. The Regional Council or the council of any area municipality may, by by-law, designate any lane on any road over which it has jurisdiction, as a lane solely or principally for use by a public transit motor vehicle and prohibit or regulate the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Ottawa-Carleton Regional Transit Commission as part of its passenger transportation service.

6. Section 65 of the said Act, as amended by the Statutes of Ontario, ^{s. 65,} ^{amended} 1972, chapter 126, section 12, is further amended by adding thereto the following subsection:

(4) No area municipality shall open up, establish or assume ^{Opening up} for public use any highway which intersects with or enters upon ^{of highways} any highway in the regional road system, without the prior ^{by area} written approval of the Regional Corporation. ^{muni-} ^{cipalities}

7. Paragraph 4 of Form 2 of the said Act is repealed.

Form 2,
par. 4,
repealed

- 8.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent. ^{Commence-} ^{ment}

(2) Section 4 shall be deemed to have come into force on the 15th day of June, 1968. ^{Idem}

9. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1973*. ^{Short title}

CHAPTER 72

**An Act to repeal
The Regional Development Councils Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Regional Development Councils Act*, being chapter ^{Act} 404 of the Revised Statutes of Ontario, 1970, is repealed._{repealed}
- 2.** This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
- 3.** This Act may be cited as *The Regional Development* ^{Short title} *Councils Repeal Act, 1973.*

CHAPTER 73

**An Act to establish
Property Tax Stabilization Grants**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “lower tier municipality” means a city, town, village or township;
- (b) “merged area” means where a lower tier municipality is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality;
- (c) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) “regulations” means the regulations made under this Act;
- (e) “upper tier municipality” means a county, or a regional, metropolitan or district municipality.

2. The purpose of this Act is to,

Purpose of
Act

- (a) provide for a general support grant to each upper tier municipality and to each lower tier municipality in an amount ranging from 2 per cent to 6 per cent of the net levy of the municipality, with the percentage applicable to each municipality being determined, in the manner prescribed in the regulations, on a sliding scale ranging from 2 per cent where the municipality’s gross revenue fund expenditures increase by 12 per cent or more over such expenditures in the previous year to 6 per cent where such increase is 8 per cent or less, and to provide an

additional grant in the amount of 10 per cent of the net levy of each municipality that is situate in the northern part of Ontario; and

- (b) provide for a resource equalization grant to each lower tier municipality whose equalized assessment per capita is below \$10,000 in an amount based, in the manner prescribed in the regulations, on the proportion that one-half of such deficiency of equalized assessment per capita bears to \$10,000 as applied to the net levy of the lower tier municipality.

General
support
grant to
lower and
upper tier
muni-
cipalities

3.—(1) The Minister shall, out of the moneys appropriated therefor by the Legislature, make a general support grant in 1973 and in each year thereafter to each lower tier municipality and to each upper tier municipality in the amount and in the manner prescribed in the regulations.

Resource
equalization
grant to
lower tier
muni-
cipalities

(2) The Minister shall, out of the moneys appropriated therefor by the Legislature, make a resource equalization grant in 1973 and in each year thereafter to each lower tier municipality in the amount and in the manner prescribed in the regulations.

Assessment
of lower tier
municipality
deemed
increased

4. For the purposes of any general or special Act, the assessment of a lower tier municipality that receives a resource equalization grant shall be deemed for apportionment purposes, other than for school purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the resource equalization grant by the taxation of real property at the rate applicable to the major portion of commercial and industrial property in the preceding year for all purposes other than school purposes.

Notification
of amount to
be added for
purposes of
s. 4.

5. The clerk of every lower tier municipality that receives a resource equalization grant shall transmit to each body, other than a school board, for which the lower tier municipality is required to levy, within fourteen days of determination of the resource equalization grant, a statement of the amount to be added to the assessment of the municipality under section 4.

Apportion-
ment of
increased
assessment

6. The lower tier municipality shall allocate the resource equalization grant to each of the bodies, other than a school board, for which the lower tier municipality is required to levy, in the proportion that the taxes levied in the preceding year on commercial and industrial property for each such body bears to the total taxes levied in the preceding year on commercial and industrial property for all purposes other than school purposes.

7. The amount allocated to each body under section 6 shall be deducted from the requisition of each such body for the year and the net amount shall be the amount included in the levy of the lower tier municipality for purposes of section 302 of *The Municipal Act* and section 7 of *The Regional Municipal Grants Act* in each year. Reduction for purposes of levy under R.S.O. 1970, cc. 284, 405

8. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the conditions under which grants shall be made;
- (b) prescribing the method of calculating grants made under this Act and the conditions attached thereto;
- (c) prescribing the forms and records to be used for the purposes of this Act or the regulations;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. Notwithstanding section 4, in 1973, preliminary apportionments may be made which exclude any increase in assessment in respect of a resource equalization grant and an adjustment to the apportionment shall be made when the resource equalization grants for 1973 have been determined. 1973 apportionment may exclude resource equalization payment

10. Any payment made in 1973 under section 28 of *The Assessment Act* to a lower tier municipality designated as a mining municipality for the purposes of that Act shall be deemed to be a grant made under this Act and the payment so made shall be deducted from any grant payable under this Act. Payments under R.S.O. 1970, c. 32, s. 28, deemed payment under this Act

11. This Act shall be deemed to have come into force on the 1st day of January, 1973, and applies with respect to 1973 and subsequent years. Commencement

12. This Act may be cited as *The Property Tax Stabilization Act, 1973*. Short title

CHAPTER 74

**An Act to establish
The Regional Municipality
of Hamilton-Wentworth**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Hamilton, the Town of Dundas, the Town of Stoney Creek, the Town of Ancaster, the Township of Flamborough and the Township of Glanbrook, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Wentworth, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Hamilton-Wentworth;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The City of Hamilton is continued as a city municipality.
- (b) The Town of Dundas is continued as a town municipality and portions of the Township of Ancaster and the Township of West Flamborough, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Ancaster, commencing where the north limit of the present Township of Ancaster intersects the west limit of the present Town of Dundas;

THENCE southerly along the west limit to the south limit of Toronto, Hamilton and Buffalo Railway right-of-way;

THENCE in a generally westerly direction along that limit to the west limit of lot forty-four in the First Concession of the Township of Ancaster;

THENCE in a northerly direction along the west limit of lot forty-four to a point 200 feet south of the south limit of Highway Ninety-nine;

THENCE in a westerly direction along a line 200 feet south of and parallel to the south limit of Highway Ninety-nine to the west limit of Binkley Road;

THENCE northerly along that limit to the north limit of the present Township of Ancaster;

THENCE easterly along that limit to the place of commencement.

SECONDLY, part of the Township of West Flamborough, commencing where the south limit of the Canadian National Railways right-of-way intersects the west limit of the present Town of Dundas;

THENCE southerly and westerly along the limits of the present Town of Dundas to the south limit of the Township of West Flamborough;

THENCE westerly along that limit to the west limit of Binkley Road;

THENCE northerly along that limit to the south limit of the Canadian National Railways right-of-way;

THENCE easterly along that limit to the place of commencement.

THIRDLY, part of the Township of West Flamborough, commencing where the north limit of the present Town of Dundas intersects the line between lots 22 and 23 of the present Township of West Flamborough;

THENCE northerly along that line to a point 250 feet north from the north limit of Patterson Road;

THENCE northeasterly and parallel to the north limit of Patterson Road to the north limit of Old Guelph Road;

THENCE northeasterly along that limit to the east limit of the present Township of West Flamborough;

THENCE southeasterly, southerly and southwesterly along the limits of the present Township of West Flamborough to the east limit of the present Town of Dundas;

THENCE northerly and southwesterly along the limits of the present Town of Dundas to the place of commencement.

- (c) The Town of Stoney Creek and the Township of Saltfleet are amalgamated as a town municipality bearing the name of The Corporation of the Town of Stoney Creek.
- (d) The Township of Ancaster, save and except that portion annexed to the Town of Dundas is estab-

lished as a town municipality bearing the name of The Corporation of the Town of Ancaster.

(e) The Township of East Flamborough and the Village of Waterdown are amalgamated as a township municipality bearing the name of The Corporation of the Township of Flamborough and the Township of Beverly and the Township of West Flamborough, save and except that portion annexed to the Town of Dundas from the Township of West Flamborough are annexed to such township.

(f) The Township of Binbrook and the Township of Glanford are amalgamated as a township municipality bearing the name of The Corporation of the Township of Glanbrook.

(2) The following police villages are dissolved on the 1st day of January, 1974:

Dissolution
of police
villages

1. The Police Village of Ancaster

2. The Police Village of Freelon

3. The Police Village of Lynden

(3) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgama-
tions,
annexations,
and dissolu-
tions deemed
by Municipal
Board
orders

R.S.O. 1970,
cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

Referendum
re area
municipality
names

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of area
municipal
councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Hamilton—sixteen members elected by wards and a Board of Control composed of four members elected by general vote of the electors of such municipality.
2. The Town of Dundas—Eight members elected by general vote of the electors of such municipality.
3. The Town of Stoney Creek—eleven members elected by wards and one member elected by general vote of the electors of such municipality.
4. The Town of Ancaster—five members elected by wards and one member elected by general vote of the electors of such municipality.
5. The Township of Flamborough—nine members elected by wards and one member elected by general vote of the electors of such municipality.
6. The Township of Glanbrook—six members elected by wards.

First
elections
and term
of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities, and members thereof to represent the area municipality on the Regional Council,

- (a) the Minister may by order divide into wards each area municipality as constituted by section 2, with

the exception of the Town of Dundas, and make provisions for the respective number of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, and preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of 1972, c. 95} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

4. The members of the council of each area municipality ^{Organization committee, 1973} elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

5. The expenses of the local municipalities for the election ^{First election expenses} to elect members of the councils of the area municipalities and members and trustees of school boards in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

6.—(1) On the 15th day of October, 1973, the inhabitants ^{Regional Corporation constituted} of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Hamilton-Wentworth".

(2) The Regional Corporation shall be deemed to be a ^{Deemed municipality under R.S.O. 1970, cc. 118, 323} municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
Judicial
District

R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Hamilton-Wentworth, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Wentworth
deemed
appoint-
ments for
Judicial
District of
Hamilton-
Wentworth

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Wentworth shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974 in and for the Judicial District of Hamilton-Wentworth.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-eight members composed of a chairman and,

(a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

(b) the Board of Control and twelve members of council from the City of Hamilton elected by such council;

(c) one member of council from the Town of Dundas elected by general vote of the electors of the said area municipality as a member of the Regional Council and the council of such area municipality;

(d) one member of council from the Town of Stoney Creek elected by general vote of the electors of

such area municipality as a member of the Regional Council and the council of such area municipality;

- (e) one member of council from the Town of Ancaster elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (f) one member of council from the Township of Flam-
borough elected by general vote of the electors of such
area municipality as a member of the Regional
Council and the council of such area municipality;
- (g) one member of council from the Township of Glan-
brook elected by such council as a member of the
Regional Council.

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1973, 1974, 1975 and 1976. Term of
office

(3) In the year 1973, the committee, established by section 4, for each area municipality which is required to elect a member or members to the Regional Council from amongst its own council members, shall meet to do so on or before the 8th day of October, 1973, and in the year 1977 and in every second year thereafter, the council of such area municipality shall at its first meeting in each such year elect its members to the Regional Council. Election of
members to
Regional
Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appoint-
ment of
chairman by
Lieutenant
Governor in
Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where
chairman
member of
area council

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting
in 1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting of
area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the years 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meeting in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate
of qualifi-
cation

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and declara-
tion of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

Declaration
of office

R.S.O. 1970,
c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

When
Council
deemed
organized

11.—(1) Fifteen members of the Regional Council representing three area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum,
voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

One vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Chairman,
vote

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Place of
meeting

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council shall appoint a successor to hold office as chairman for the remainder of the term of his predecessor.

Vacancies,
chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of

Other
members

the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

Resignation (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of the council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration **14.—**(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees **15.—**(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remuneration of committee chairman (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

Procedural by-laws **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council **17.—**(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief administrative officer (2) The Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of

the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* Application of R.S.O. 1970, c. 284 applies to a chief administrative officer appointed under subsection 2 of this section.

18. When the chairman is absent from the Regional Area Acting chairman or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to Application of R.S.O. 1970, c. 284 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* Idem apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

20.—(1) The Regional Council shall appoint a clerk, Appointment of clerk whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk,
first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

(3) When the office of treasurer is vacant or the treasurer^{Acting treasurer} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

23.—(1) The treasurer shall receive and safely keep^{Receipt and disbursement of money} all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund^{Petty cash fund} of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*.^{When member may be paid} 1972, c. 142

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.^{Treasurer's liability limited}

24. Subject to subsection 3 of section 23, the treasurer^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks

of Canada or at such other place of deposit as may be approved by the Regional Council;

- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

(4) An auditor shall perform such duties as are prescribed ^{Duties of auditors} by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

27.—(1) Where the Regional Corporation or a local board ^{Pensions} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board ^{Idem} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board ^{Sick leave credits} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board thereof ^{Holidays} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional

Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Wentworth or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

Entitlement
to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Application
of R.S.O.
1970, c. 324

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973, and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

(11) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

28. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Wentworth and the Hamilton-Wentworth Suburban Roads Commission shall constitute the regional road system.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed

R.S.O. 1970,
c. 201

to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Vesting of
roads in
regional
road system

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of
roads from
regional
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed
from
system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

(11) *The Regulations Act* does not apply to an order in council made under this section.

Application
of R.S.O.
1970, c. 410

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plans of
construction
and
maintenance

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Furnishing of
information
to Minister

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84*d* of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Maintenance
and repair

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system.

Power
over roads
assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

Area municipalities may construct sidewalks, etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970, c. 201, s. 97 (4) not to apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. Intersection of other roads by regional road

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under subsection 2 of section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. New roads R.S.O. 1970, c. 284

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. Powers and liabilities of Regional Corporation R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. Establishment of bus lanes

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic

Signal-light devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution toward cost of signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic control within 100 feet of regional roads
R.S.O. 1970, c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements for pedestrian walks

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing by
O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Term of
order

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
area muni-
cipalities
R.S.O. 1970,
c. 284

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-laws

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person, including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final. Practice and procedure on appeal

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 323, s. 95 not to apply

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon regional controlled-access road

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48. Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

Regional
liability
where road
forms part
of system

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads
commissioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system.

Application
of R.S.O.
1970, c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
Area

54.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be a joint planning area under *The Planning Act* to be known as the Hamilton-Wentworth Planning Area.

R.S.O. 1970,
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Hamilton-Wentworth Planning Area.

Designated
municipality
R.S.O. 1970,
c. 349

(3) All planning areas and subsidiary planning areas that are included in the Hamilton-Wentworth Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Planning
areas
dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Area municipi-
palities
subsidiary
planning
areas

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Proviso

(6) When the Minister has approved an official plan adopted by the Regional Council,

Effect of
official
plan

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Hamilton-Wentworth Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Hamilton-Wentworth Planning Area, and without limiting the generality of the foregoing shall,

Planning
duties of
Regional
Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;

(b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;

(c) consult with any local board having jurisdiction within the Hamilton-Wentworth Planning Area;

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appoint-
ment of
planning staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

Regional
Corporation
deemed
municipality
under R.S.O.
1970, c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Idem

(5) The Regional Corporation shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Hamilton-Wentworth Planning Area or any part thereof.

Delegation
of Minister's
powers

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of adjust-
ment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Hamilton-Wentworth Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons, not fewer than three, as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of R.S.O.
1970, c. 349

56. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability
for hospital-
ization of
indigents
R.S.O. 1970,
cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Wentworth.

Existing
liabilities
transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

Proviso

58.—(1) The Regional Council shall be responsible for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of all public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to
hospitals

(2) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area.

Regional
Council to
make
municipal
appoint-
ments to
board

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of
principal
and interest
to area muni-
cipalities

(4) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Hospital
costs form
part of
regional levy

Regional
Area to be
health unit
R.S.O. 1970,
c. 377

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Hamilton-Wentworth Regional Board of Health.

Dissolution
of Hamilton-
Wentworth
health unit

(2) The health unit serving the County of Wentworth and the City of Hamilton on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Hamilton-Wentworth Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974, the Hamilton-Wentworth Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
members

(2) The members of the Hamilton-Wentworth Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Hamilton-Wentworth Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Regional
Corporation
deemed city
under R.S.O.
1970, cc. 21,
270, 422, 490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*

2. *The Mental Hospitals Act.*

3. *The Sanatoria for Consumptives Act.*

4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed county under R.S.O. 1970, cc. 104, 192, 203

1. *The Day Nurseries Act.*

2. *The General Welfare Assistance Act.*

3. *The Homemakers and Nurses Services Act.*

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged R.S.O. 1970, c. 206

(2) The homes for the aged known as Wentworth Lodge and Macassa Lodge and all assets and liabilities thereof together with all the real and personal property of such homes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Homes for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to The Corporation of the City of Hamilton on or before the due date all amounts of principal and interest becoming due upon any outstanding debt in respect of Macassa Lodge.

Existing debt

(4) If the Regional Corporation fails to make any payment as required by subsection 3, the City of Hamilton may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the City determines from such date until payment is made.

Default

63.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

Existing
liabilities
transferred
1965, c. 14

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability
under order
made under
R.S.O. 1970,
c. J-3

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

68. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

70. In this Part, "Hamilton-Wentworth Police Board" means the Hamilton-Wentworth Regional Board of Commissioners of Police.

Hamilton-
Wentworth
Regional
Board
established
R.S.O. 1970,
c. 351

71.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973, a board of commissioners of police shall be constituted to be known as the Hamilton-Wentworth Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and

- (c) two persons appointed by the Lieutenant Governor in Council.
- (2) Three members of the Hamilton-Wentworth Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.
- (3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Hamilton-Wentworth Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.
- 72.**—(1) On and after the 1st day of January, 1974,
- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the Hamilton-Wentworth Police Board and the members of the Hamilton-Wentworth Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.
- (2) The fines imposed for the contravention of the by-laws of any area municipality, shall where prosecuted by the Hamilton-Wentworth Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Hamilton-Wentworth Regional Police Force, and the provisions of subsections 4 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, exclusive of rank, less favourable than those he was receiving from the local municipality.

Hamilton-
Wentworth
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Hamilton-Wentworth Regional Police Force on the 1st day of January, 1974, is subject to the government of the Hamilton-Wentworth Police Board to the same extent as if appointed by the Hamilton-Wentworth Police Board and the Hamilton-Wentworth Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Hamilton-Wentworth Regional Police.

Terms of
employment

(3) Every person who becomes a member of the Hamilton-Wentworth Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Hamilton-Wentworth Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and be entitled to participate in the supplementary plan as may be established either for the Town of Stoney Creek or the Town of Dundas;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Hamilton-Wentworth Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Hamilton-Wentworth Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment further than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Hamilton-Wentworth Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

(5) Notwithstanding the provisions of clauses *a* and *b* of subsection 3, those members of the police force who participate in the retirement plan established under By-law No. 7970 as amended, of the City of Hamilton, shall continue to participate therein after they become members of the Hamilton-Wentworth Regional Police Force. Retirement of present members of police of local municipality

(6) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Hamilton-Wentworth Police Board in the manner and for the purposes provided in *The Police Act* and the Hamilton-Wentworth Police Board shall be the sole negotiating body to bargain with such committee. Joint bargaining committee
R.S.O. 1970, c. 351

(7) The first meeting of the bargaining committee and the Hamilton-Wentworth Police Board shall be held not later than the 31st day of December, 1973. Time of meeting

(8) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Hamilton-Wentworth Police Board. Application of R.S.O. 1970, c. 284

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Hamilton-Wentworth Police Board any such land or building that the Hamilton-Wentworth Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. Assumption of buildings

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommoda-
tion

(7) Where a building vested in a local municipality or local board is used partly by the police force of the regional municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Hamilton-Wentworth Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Hamilton-Wentworth Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the Hamilton-Wentworth Police Board, ^{Office supplies, etc.} each area municipality, for the use of the Hamilton-Wentworth Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any ^{Signal system transferred} local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether any land or ^{Settling of doubts} building is used at least 40 per cent for the purposes of a police force, the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and ^{Property to be provided} personal property necessary for the purposes of the Hamilton-Wentworth Police Board.

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the ^{Region to be sole distributor of water} Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and

distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation except the power to establish a public utilities commission.

No area
municipality
to distribute
water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting
of water
supply
facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Water
supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreement
with other
regional
corporation

(7) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

PART VIII

REGIONAL SEWAGE WORKS

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage except as provided for in subsection 8 in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Regional Corporation responsible for sanitary sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage except as provided in subsection 8.

No area municipality to collect sanitary sewage

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8 and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of sanitary sewage facilities

(4) The Regional Council shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work.

Regional Corporation liability

R.S.O. 1970, c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated

Special rates

part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Agreements

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Land
drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipal
land drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising of
money by
area
municipality

(10) An area municipality may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and drainage chargeable within an urban service area established in the area municipality under any general or special Act.

(11) The Regional Corporation shall be entitled to enter into agreement with any other regional corporation with respect to any of the matters provided for in this Part.

Agreement with other regional corporation

(12) Where the whole or any part of any sewage system is vested in the Regional Corporation by the provisions of this Part, or by by-law issued under authority thereof, the Regional Council may define the estate in land so vested and the area of such land.

Where sewage system vested in Regional Corporation

PART IX

FINANCES

78.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Interpretation R.S.O. 1970, c. 32

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Area municipality deemed municipality under R.S.O. 1970, c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional Corporation deemed regional municipality

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of moneys not immediately required R.S.O. 1970, c. 284

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Operating
deficit,
County of
Wentworth

(3) The amount by which any operating deficit existing for the County of Wentworth on the 31st day of December, 1973, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipality or municipalities not later than the 30th day of June, 1974.

Operating
surplus, etc.,
County of
Wentworth

(4) Where an operating surplus exists for the County of Wentworth on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation.

Surplus
contribution,
City of
Hamilton

(5) Where an operating surplus exists for the County of Wentworth on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, a sum shall be determined equivalent to,

- (a) the audited surplus of the County of Wentworth together with the total of such county's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be paid by the City of Hamilton to the Regional Corporation not later than the 30th day of June, 1974.

(6) Notwithstanding subsection 2, in the year 1974, the Regional Council shall transfer to a reserve for working funds ^{Reserve for working funds} an amount equal to the aggregate of,

- (a) the audited surplus of the County of Wentworth together with the total of such county's reserves on such date; or
- (b) the total of such county's reserves less the audited deficit of the county on such date; and
- (c) any amount payable to the Regional Corporation under subsection 5.

(7) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. ^{Application of R.S.O. 1970, cc. 32, 284}

81.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law ^{Apportionment} direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. ^{Equalized assessment}

Copy to
Regional
Corporation
and area
municipi-
palities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid
R.S.O. 1970, c. 284
1971, c. 78
1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. Levy by-laws

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. Regional levy
R.S.O. 1970, c. 32

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each Equalized assessment of merged areas

such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of
rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by
Regional
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy.

Idem

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

Levy under
s. 81 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

(4) Notwithstanding section 82 the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy by
area
municipality
before
estimates
adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82.

Levy under
s. 82 to be
reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 81.

Preliminary
assessment

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Notice

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

Rates for
public school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Regulations
under R.S.O.
1970, c. 425
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

ADJUSTMENTS

Transitional
adjustments

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

(4) For the purpose of this section and section 87, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased as the case may be by any payment made by a local municipality under subsections 3 and 5 of section 80.

Adjustment for payments under s. 80

87.—(1) In this section “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Surplus or deficit at December 31, 1973 to be applied to supporting assessment

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of any divided municipality.

Arbitration

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Idem

Provisional
determina-
tion

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible, thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of section 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

Reserve
funds of
municipalities

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted works

(4) When an area municipality, on or before the 31st day of December, 1973,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

**Bonds,
debentures,
etc., trustee
investments**

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1970,
c. 470

**Power to
incur debt
or issue
debentures**

93. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corpora-

tion may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

94.—(1) Where, under any general or special Act, an area ^{Idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

(2) Nothing in subsection 1 requires the assent of any ^{Proviso} electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1970,
c. 323

95.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the ^{Borrowing pending issue and sale of debentures} Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing ^{Idem} of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any ^{Interest on proceeds transferred} proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent
subsequent
sale of
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special
levy against
area muni-
cipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of

debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levy

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

Levies
a debt

By-law to
change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Consolidation
Consolidating debenture by-laws
R.S.O. 1970,
c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of

the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

**Annual
rates**

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

**Principal
levies**

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

**Consolidated
bank
accounts**

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. ^{Sinking fund committee}

(25) The Regional Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. ^{Chairman}

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. ^{Security} R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. ^{Quorum}

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. ^{Control of sinking fund assets}

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. ^{Withdrawals from bank accounts}

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. ^{Investments}

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Sinking
fund require-
ments

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Failure
to levy

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

Where
amount in
sinking fund
account
more than
sufficient
to pay debt

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

No
diversion
of sinking
funds

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

Surplus

- (a) use the surplus to increase the amount at the credit of another sinking fund account ; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

- (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

97.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

When rate
of interest
may be
varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Hypotheca-
tion not a
sale under
this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolida-
tion of
debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments or principal and interest payable by it to the Regional Council.

Special
assessment
and levies

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

Repeal of
by-law when
part only
of money to
be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day

When to
take effect

of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the Mechanical reproduction of signatures

debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of
transfer
may be
prescribed

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the

Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Require-
ments as to
endorsing
certificate of
ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by
entry in
Debenture
Registry
Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Registration
of
debenture
as to
principal
and interest

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement
of lost
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request
of sinking
fund
committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respect shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debenture
of same
force and
effect as
debenture
surrendered

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds of
debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose

or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale of hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

Use of
proceeds of
sale of asset
acquired
from
proceeds of
sale of
debentures

109. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for
debentures

110.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other rate-payers in the Regional Area.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

114. In 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at more than \$5,000.

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of Idem

December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(10) If the Regional Corporation fails, on or before the due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency
measures,
civil defence
R.S.O. 1970,
c. 284

116.—(1) The Regional Council shall pass by-laws under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act*, and no area municipality shall pass any such by-laws.

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area ;
- (e) for obtaining and distributing emergency materials, equipment and supplies ; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for R.S.O. 1970, c. 145

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. Expenditures for diffusing information

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. Application of R.S.O. 1970, c. 284

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act. Grants to persons engaged in work advantageous to Regional Area

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Hamilton-Wentworth Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. Payment of damages to employees R.S.O. 1970, c. 505

Investigation by county judge of charges of malfeasance

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

1971, c. 49

Fees payable to judge

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

R.S.O. 1970, c. 228

Engaging counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission of inquiry

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

When commission may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways, etc.

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. Agreements re services

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 32

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. Interpretation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Hamilton-Wentworth (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Function
of clerk,
collector
and assessor

126.—(1) The Corporation of the County of Wentworth is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Wentworth.

County
dissolved

(2) All the assets and liabilities of the County of Wentworth become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Wentworth shall be transferred to the clerk.

Assets and
liabilities,
etc.

(3) The Hamilton-Wentworth Suburban Roads Commission is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof become on such date the assets and liabilities of the Regional Corporation and all records and documents of the said roads commission shall be transferred to the clerk.

Hamilton-
Wentworth
Suburban
Roads
Commission
dissolved

127.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Wentworth.

Powers of
Municipal
Board

R.S.O. 1970,
c. 284

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

R.S.O. 1970,
c. 323

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board may upon application determine the matter and its decision is final.

Idem

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such

Conditional
powers

acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Act

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Wentworth or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpre-
tation

131.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Waste
disposal
sites

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including

buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. Agreement, successor rights

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

Existing
speed
limits
continued
R.S.O. 1970,
c. 202

134.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O.
1970, c. 354,
s. 108

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

Board of
Trustees
deemed
commission

(4) The Board of Trustees of the Police Village of Lynden as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Lynden.

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Lynden shall be assumed on the 1st day of January, 1974 by the Hydro-Electric Commission of Lynden and the said Commission shall be deemed to be a local board of the Township of Flam-borough.

Assets and liabilities

(6) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of commission not disqualified as members of Council

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof become on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality forms part or is continued, and in the event the area of jurisdiction of any such board is divided between two or more area municipalities, the committee of arbitrators appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Dissolution of boards

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation and parks management board
R.S.O. 1970, cc. 120, 73

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Acquiring land for parks, etc

R.S.O. 1970, c. 384

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Sale of spirituous, etc., liquors in parks

R.S.O. 1970, c. 250

Application
of R.S.O.
1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a municipi-
pality under
R.S.O. 1970,
c. 337

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Public lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1970,
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Wentworth
County
Library

138. The Minister may by order do all such things as may be necessary to re-establish the Wentworth County Library.

School
division
continued

139. On and after the 1st day of January, 1974, the portion of the Regional Municipality of Hamilton-Wentworth that is not in the City of Hamilton is a school division and The Wentworth County Board of Education is continued subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education of such school division.

Election
R.S.O. 1970,
cc. 425, 430

140. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Wentworth County Board of Education, section 37 of the said Act applies to the election of the members of The Board of Education for the City of Hamilton and section 90 of *The Separate Schools Act* applies to the election of the members of The Wentworth County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act*, 1972, in the year 1973,

1972, c. 95

- (a) the polling day for the members of The Wentworth County Board of Education and the Board of Education for the City of Hamilton and of The Wentworth County Roman Catholic Separate School Board shall be the 1st day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area and the members elected on such date shall take office on the 1st day of January, 1974, and continue to hold such office until the 31st day of December, 1976;
- (b) the Minister shall, by order provide for nomination and term of office of candidates for The Wentworth County Board of Education and the Board of Education for the City of Hamilton and for The Wentworth County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973.

R.S.O. 1970,
c. 284, s. 244
not to apply

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Public
library
boards
R.S.O. 1970,
c. 381

143. The council of the City of Hamilton may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Power of
cities in
Regional
Area to
pass by-laws

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.

Organization
expenses

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Idem

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent.

Commence-
ment

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title

146. This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth declare that:

1.

I am a British subject and am not a citizen or a subject of any foreign country.

2.

I am of the full age of eighteen years.

3.

I am not an officer, employee or servant of any area municipality or local board of any area municipality.

4.

I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

CHAPTER 75

An Act to amend The Child Welfare Act

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 10 of section 25 of *The Child Welfare Act*, being<sup>s. 25 (10),
amended</sup> chapter 64 of the Revised Statutes of Ontario, 1970, is amended by striking out "the" in the first line and inserting in lieu thereof "a".
2. Section 26 of the said Act is amended by striking out "the"<sup>s. 26,
amended</sup> where it occurs the first time in the first line and inserting in lieu thereof "a".
- 3.—(1) Subsection 2 of section 27 of the said Act is amended<sup>s. 27 (2),
amended</sup> by striking out "The" where it occurs the first time in the first line and inserting in lieu thereof "A".

(2) Subsection 5 of the said section 27 is amended by<sup>s. 27 (5),
amended</sup> striking out "Where the judge has made an order" in the first line and inserting in lieu thereof "Where an order has been made".
4. Section 31 of the said Act is amended by striking out "the"<sup>s. 31,
amended</sup> where it occurs the first time in the fourth line and inserting in lieu thereof "a".
5. Subsection 2 of section 57 of the said Act is amended by<sup>s. 57 (2),
amended</sup> striking out "the" in the first line and inserting in lieu thereof "a".
6. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>
7. This Act may be cited as *The Child Welfare Amendment Act*,^{Short title} 1973.

CHAPTER 76

**An Act to amend
The Homes for Retarded Persons Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of section 1 of *The Homes for Retarded Persons*<sup>s. 1 (d),
amended</sup> Act, being chapter 204 of the Revised Statutes of Ontario, 1970, is amended by inserting after “means” in the first line “all or any part of”.
- (2) Subclause vi of clause *d* of the said section 1 is repealed.<sup>s. 1 (d) (vi),
repealed</sup>
- (3) Clause *e* of the said section 1 is amended by striking<sup>s. 1 (e),
amended</sup> out “Social and Family Services” in the first and second lines and inserting in lieu thereof “Community and Social Services”.
- (4) Clause *f* of the said section 1 is amended by striking<sup>s. 1 (f),
amended</sup> out “Department of Social and Family Services” in the third and fourth lines and inserting in lieu thereof “Ministry of Community and Social Services”.
2. Section 2 of the said Act, as re-enacted by the Statutes of<sup>s. 2,
amended</sup> Ontario, 1971, chapter 50, section 45, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”.
- 3.—(1) Subsection 1 of section 3 of the said Act, as re-enacted<sup>s. 3 (1),
amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 45, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”, by striking out “a building” in the second line and inserting in lieu thereof “all or any part of a building or buildings” and by inserting after “building” in the fifth line “buildings or part thereof, as the case may be”.
- (2) Subsection 2 of the said section 3 is repealed and the<sup>s. 3 (2),
re-enacted</sup> following substituted therefor:

Effective
date of
approval

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date that the approval given under section 2 to the corporation maintaining and operating the home for retarded persons takes effect.

s. 4 (1) (a),
repealed

4.—(1) Clause *a* of subsection 1 of section 4 of the said Act is repealed.

s. 4 (1) (d),
amended

(2) Clause *d* of subsection 1 of the said section 4 is amended by inserting after “building” in the first line “or any part thereof”.

s. 4 (1) (e),
amended

(3) Clause *e* of subsection 1 of the said section 4 is amended by inserting after “site” in the first line “or use”.

ss. 5, 6,
re-enacted

5. Sections 5 and 6 of the said Act are repealed and the following substituted therefor:

Construction
grants

5. When the site and plans of a new building or the plans of an addition to an existing building to be maintained and operated or maintained and operated, as the case may be, as a home for retarded persons have been approved by the Minister under clause *c* of subsection 1 of section 4, the Minister may, out of moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new home for retarded persons, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the new home for retarded persons, at the rate of \$5,000 per bed or such greater amount per bed as the regulations prescribe.

Acquisition
grants

6. Where,

(a) the acquisition or structural alteration of all or any part of a building to be maintained and operated as a home for retarded persons has been approved by the Minister under clause *d* or *e*, as the case may be, of subsection 1 of section 4; or

(b) the Minister has approved the renovation of all or any part of a building maintained and operated or to be maintained and operated as a home for retarded persons,

the Minister may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building or part thereof or operating and maintaining or proposing to operate and maintain the home, as the case may be, of an amount equal to the cost to the approved corporation of the acquisition, alteration or renovation, as the case may be, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the home at the rate of \$1,200 per bed or such greater amount as the regulations prescribe.

6. Section 7 of the said Act is amended by striking out “and^{s. 7, amended} shall be computed in accordance with the regulations” in the sixth and seventh lines.

7. Section 8 of the said Act is repealed and the following^{s. 8, re-enacted} substituted therefor:

8. There shall be paid to an approved corporation out of the moneys appropriated therefor by the Legislature an^{Maintenance and operating grants} amount equal to 80 per cent or such higher percentage as the regulations prescribe of the cost computed in accordance with the regulations of,

(a) residential accommodation provided in an approved home that is maintained and operated by the corporation; or

(b) residential services approved by the Director provided by or on behalf of the corporation in other than an approved home,

for retarded persons who are not wards of the Crown or wards of a children's aid society under *The Child Welfare*^{R.S.O. 1970, c. 64} Act.

8. Subsection 1 of section 9 of the said Act is repealed and the^{s. 9 (1), re-enacted} following substituted therefor:

(1) Every approved home, its books of account and any^{Inspection} other records shall be open at all reasonable times for inspection by a provincial supervisor.

(1a) Every premises that is not an approved home where^{Idem} residential services are provided for retarded persons placed therein by an approved corporation shall be open at all reasonable times for inspection by a provincial supervisor.

9.—(1) Subsection 1 of section 10 of the said Act, as re-enacted^{s. 10 (1), amended} by the Statutes of Ontario, 1971, chapter 50, section 45,

is amended by striking out “by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister” in the second, third and fourth lines and inserting in lieu thereof “or revoked by the Minister”.

s. 10 (2),
amended

(2) Subsection 2 of the said section 10 is amended by striking out “before recommending to the Lieutenant Governor in Council revocation of” in the third, fourth and fifth lines and inserting in lieu thereof “revoking” and by striking out “Department of Social and Family Services” in the ninth and tenth lines and inserting in lieu thereof “Ministry of Community and Social Services”.

s. 10 (5),
amended

(3) Subsection 5 of the said section 10 is amended by striking out “recommend revocation of” in the second and third lines and inserting in lieu thereof “revoke”.

s. 11 (a),
repealed

10.—(1) Clause *a* of section 11 of the said Act is repealed.

s. 11,
amended

(2) The said section 11, as amended by the Statutes of Ontario, 1971, chapter 50, section 45, is further amended by adding thereto the following clauses:

(ea) prescribing or defining residential services and classes thereof provided in other than approved homes and the terms and conditions upon which such services or any class thereof shall be provided for the purposes of section 8;

.

(fa) prescribing a greater amount per bed for the purposes of section 5 or 6 and prescribing a higher percentage for the purposes of section 8.

s. 11 (g),
re-enacted

(3) Clause *g* of the said section 11 is repealed and the following substituted therefor:

(g) prescribing the manner of computing the costs to approved corporations, and prescribing classes of payments, for the purposes of sections 5, 6 and 8.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Homes for Retarded Persons Amendment Act, 1973*.

CHAPTER 77

An Act to amend The Day Nurseries Act

Assented to June 22nd, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of section 1 of *The Day Nurseries Act*, being chapter ^{s. 1 (a),} 104 of the Revised Statutes of Ontario, 1970, as re-enacted ^{re-enacted} by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 1, is repealed and the following substituted therefor:

(a) “approved corporation” means a corporation,

(i) that has been approved under section 2*b*, and

(ii) that is specified in the regulations or that is a member of a class prescribed in the regulations.

- (2) Clause *d* of the said section 1 is repealed. s. 1 (d),
repealed

- (3) Clause *e* of the said section 1 is amended by striking out ^{s. 1 (e),} “or” at the end of subclause vi, by adding “or” at the ^{amended} end of subclause vii and by adding thereto the following subclause:

(viii) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 6*b* of *The Ministry of Community* ^{R.S.O. 1970,} *and Social Services Act*. ^{c. 120}

- (4) Clauses *f* and *h* of the said section 1 are repealed and the ^{s. 1 (f, h),} following substituted therefor: ^{re-enacted}

(f) “Director” means a director appointed for the purposes of this Act;

(h) "Minister" means the Minister of Community and Social Services.

s. 1 (m),
repealed

(5) Clause *m* of the said section 1 is repealed.

s. 2b,
re-enacted

2. Section 2b of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 3, is repealed and the following substituted therefor:

Approval of
corporations

2b. Where the Minister is satisfied that any corporation with financial assistance under this Act is financially capable of establishing, maintaining and operating a day nursery and that its affairs are carried on under competent management in good faith, he may approve such corporation for the payment of grants under this Act and the regulations.

s. 2c (1),
amended

3. (1) Subsection 1 of section 2c of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 3, is amended by striking out "by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister" in the second, third and fourth lines and inserting in lieu thereof "or revoked by the Minister".

s. 2c (2),
amended

(2) Subsection 2 of the said section 2c is amended by striking out "before recommending to the Lieutenant Governor in Council revocation of" in the third, fourth and fifth lines and inserting in lieu thereof "revoking" and by striking out "Department of Social and Family Services" in the ninth line and inserting in lieu thereof "Ministry of Community and Social Services".

s. 2c (5),
amended

(3) Subsection 5 of the said section 2c is amended by striking out "recommend revocation of" in the third line and inserting in lieu thereof "revoke".

s. 3 (1),
amended

4.—(1) Subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3 and amended by 1971 (2nd Session), chapter 11, section 4, is further amended by inserting after "per cent" in the second line "or such higher percentage as the regulations prescribe".

s. 3 (3),
amended

(2) Subsection 3 of the said section 3, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 4, is amended by inserting after "per cent" in the second line "or such higher percentage as the regulations prescribe" and by striking out "for retarded children" in the fifth line.

5. Subsection 1 of section 3a of the said Act, as re-enacted by ^{s. 3a (1), re-enacted} the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 5, is repealed and the following substituted therefor:

(1) Where the Minister has approved the erection of a new ^{Capital grants} building, an addition to an existing building, the purchase or other acquisition of an existing building or the renovation or the furnishing and equipping of a building by a municipality, band or approved corporation for use in whole or in part as a day nursery, he may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations, towards the cost of the new building, addition, acquisition, renovation or furnishing and equipping that is applicable to the day nursery.

6. Subsection 1 of section 4 of the said Act is repealed and the ^{s. 4 (1), re-enacted} following substituted therefor:

(1) The Director shall perform the duties vested in him by ^{Duties of Director} this or any other Act.

7. Section 12 of the said Act, as re-enacted by the Statutes of ^{s. 12, amended} Ontario, 1971, chapter 50, section 25, is amended by adding thereto the following subsection:

(8) Notwithstanding section 21 of *The Statutory Powers* ^{Final decision or order of Board} *Procedure Act*, 1971, the Board shall reach a final decision or order and send notice thereof within ninety days from the ^{1971, c. 47} date that the notice under section 9 or 10, as the case may be, requesting the hearing, has been received by the Board.

8. Section 14 of the said Act, as re-enacted by the Statutes of ^{s. 14, re-enacted} Ontario, 1971, chapter 50, section 25, is repealed and the following substituted therefor:

14.—(1) Where, in the opinion of the Director, there is a ^{Directions where threat to children} threat to the safety or welfare of the children cared for in a day nursery, the Director shall,

- (a) give such direction or directions in writing as he considers necessary to the operator or to any person on the premises of the day nursery who appears to be directly in charge of the children being cared for, directing the operator or person in charge, as the case may be, immediately or within such period of time as the Director specifies to eliminate the threat to the safety or welfare of the children or to protect the children therefrom,

and may,

- (b) direct in writing that the day nursery shall not be used as a day nursery until his direction or directions are complied with.

Notice to
parents, etc.

(2) Where the Director gives a direction under clause *b* of subsection 1, he may,

- (a) notify the parents or guardians of the children enrolled in the day nursery of the direction; and
- (b) cause to be affixed to the premises of the day nursery a notice in a prescribed form and no person except the Director or a provincial supervisor designated under section 15 shall remove the notice unless authorized by the Director or a provincial supervisor.

Suspension
of licence

(3) Notwithstanding section 10, where a direction is given by the Director under subsection 1, any licence for the day nursery shall thereby be suspended without a hearing until the Director is satisfied that the direction has been complied with and thereafter the provisions of section 10 apply as if the direction were a notice of a proposal to revoke the licence under subsection 1 of section 10.

s. 16 (*cb*),
re-enacted

9. Clause *cb* of section 16 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 7, is repealed and the following substituted therefor:

- (*cb*) prescribing classes of corporations with members that may be approved under section 2*b*, and specifying corporations not members of such classes that are approved under section 2*b*;
- (*cc*) prescribing classes of payments and higher percentages of the costs for the purpose of determining the amount of a payment or the amount of a class or classes of payments, for the purposes of section 3.

s. 17 (1),
re-enacted

10. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor:

Penalties

(1) Every person who contravenes or fails to comply with subsection 1 of section 6 or a direction of the Director under section 14 is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$500 for each day on which such offence continues.

s. 17*a*,
enacted

11. The said Act is amended by adding thereto the following section:

17a.—(1) The Director may apply to a judge of the Supreme Court by originating notice for an order enjoining any person from continuing any act or default for which such person was convicted under subsection 1 of section 17, and the judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. ^{Injunction proceedings}

(2) Any person may apply to a judge of the Supreme Court ^{Idem} for an order varying or discharging any order made under subsection 1.

12.—(1) This Act, except subsections 1, 2 and 5 of section 1, sections 2 and 3, subsection 2 of section 4 and sections 5 and 9, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Subsections 1, 2 and 5 of section 1, sections 2 and 3, subsection 2 of section 4 and sections 5 and 9 come into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Idem}

13. This Act may be cited as *The Day Nurseries Amendment Act*, ^{Short title} 1973.

CHAPTER 78

**An Act to establish
The Regional Municipality of Durham**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Oshawa, the Town of Ajax, the Town of Newcastle, the Town of Pickering, the Town of Whitby, the Township of Brock, the Township of Scugog and the Township of Uxbridge, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof within the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality, or a local municipality or part of a local municipality that is constituted an area municipality under subsection 1 of section 2, or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 99;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",

(i) until the 1st day of January, 1974, means,

- A. the area included within the County of Ontario, except the townships of Rama and Mara and except that portion of the Township of Pickering annexed to the Borough of Scarborough by subsection 1a of section 148 of *The Municipality of Metropolitan Toronto Act*, as enacted by the Statutes of Ontario, 1973, chapter 48, section 5, and,

B. the area included within the County of Durham, except the Township of Manvers, the Township of Cavan, the Village of Millbrook, the Township of Hope and the Town of Port Hope, and

(ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;

- (p) "Regional Corporation" means, subject to subsection 6 of section 6, The Regional Municipality of Durham;
- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The Corporation of the City of Oshawa and The Corporation of the Township of East Whitby are amalgamated as a city municipality bearing the name of The Corporation of the City of Oshawa;
- (b) The Corporation of the Town of Ajax and The Corporation of the Village of Pickering are amalgamated as a town municipality bearing the name of The Corporation of the Town of Ajax and the portions of the Township of Pickering, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Pickering, commencing at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV of the Township of Pickering to a point measured 126.33 feet easterly

therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the said Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the southeast angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE northerly, easterly and southerly following the boundaries between the Township of Pickering and the Village of Pickering to an angle in the Town of Ajax;

THENCE easterly and southerly following the various boundaries between the Township of Pickering and the Town of Ajax to the southeast angle of the said Town;

THENCE easterly along the south boundary of the Township of Pickering being along the International Boundary to the southeast angle thereof;

THENCE northerly along the east boundary of the Township of Pickering to the point of commencement;

SECONDLY, part of the Township of Pickering commencing at the southwest angle of Lot 14 in Concession I of the Township of Pickering;

THENCE easterly along the southerly limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE easterly and northerly following the boundaries between the Township of Pickering and the Town of Ajax to an angle in the Village of Pickering;

THENCE westerly following the boundaries between the Township of Pickering and the Village of Pickering to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to the point of commencement;

- (c) The Corporation of the Town of Bowmanville, The Corporation of the Village of Newcastle, The Corporation of the Township of Clarke and The Corporation of the Township of Darlington are amalgamated as a town municipality bearing the name of The Corporation of the Town of Newcastle;
- (d) The portion of the Township of Pickering, described as follows, is established as a town municipality bearing the name of The Corporation of the Town of Pickering;

COMMENCING at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV to a point measured 126.33 feet easterly therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway right-of-way a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the southeast angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE southerly along the west boundary of the Village of Pickering to the southwest angle of the said Village being at the south limit of the right-of-way of the Canadian National Railway Company;

THENCE easterly along the south limit of the said right-of-way to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to its southwest angle;

THENCE easterly along the south limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE southerly following the boundaries between the Township of Pickering and the Town of Ajax to the International Boundary between Canada and the United States of America;

THENCE westerly following the said International Boundary to the intersection of a line having the same course as the west boundary of the Township of Pickering drawn southerly from the mouth of the Rouge River at Lake Ontario;

THENCE northerly on the same course as the west boundary of the said Township to the mouth of the said Rouge River;

THENCE northwesterly following the middle of the main channels of the Rouge River and the Little Rouge Creek to the west boundary of the Township of Pickering;

THENCE northerly following the west boundary of the Township of Pickering to its northwest angle thereof;

THENCE easterly along the north boundary of the said Township of Pickering to the northeast angle thereof;

THENCE southerly following the east boundary of the Township of Pickering to the point of commencement;

- (e) The Corporation of the Town of Whitby is continued as a town municipality;
- (f) The Corporation of the Village of Beaverton, The Corporation of the Village of Cannington, The Corporation of the Township of Brock and The Corpora-

tion of the Township of Thorah are amalgamated as a township municipality bearing the name of The Corporation of the Township of Brock;

- (g) The Corporation of the Village of Port Perry, The Corporation of the Township of Cartwright, The Corporation of the Township of Reach and The Corporation of the Township of Scugog are amalgamated as a township municipality bearing the name of The Corporation of the Township of Scugog;
- (h) The Corporation of the Town of Uxbridge, The Corporation of the Township of Scott and The Corporation of the Township of Uxbridge are amalgamated as a township municipality bearing the name of The Corporation of the Township of Uxbridge.

(2) The following police villages are dissolved on the 1st day of January, 1974:

Dissolution
of police
villages

1. The Police Village of Orono.
2. The Police Village of Sunderland.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1970,
cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re names
of area
municipi-
palities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of council

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Oshawa—Except as may be provided under subsection 3, fourteen members, ten of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
2. The Town of Ajax—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
3. The Town of Newcastle—Except as may be provided under subsection 3, six members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
4. The Town of Pickering—Except as may be provided under subsection 3, six members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

5. The Town of Whitby—Except as may be provided under subsection 3, six members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
6. The Township of Brock—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
7. The Township of Scugog—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
8. The Township of Uxbridge—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976. ^{Election and term of office}

(3) For the purposes of the elections of the first councils of the area municipalities and the members thereof to represent the area municipalities on the Regional Council, ^{Idem}

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of the council of the area municipality and

of the Regional Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

- (b) the Minister may by order, provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and
 - (ii) provide for such other matters as he considers necessary to hold the elections.

Application
of 1972, c. 95

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Committee
organization
in 1973

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No Board
of Control

5. No area municipality shall have a Board of Control.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Durham".

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
judicial
district

R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Durham, and for the purposes of *The Jurors Act* any reference to the warden

shall be deemed to be a reference to the chairman and any reference to the treasurer of the County of Ontario shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

(4) On or before the 1st day of January, 1975, the Lieutenant Governor in Council shall, by regulations made under *The Registry Act* and *The Land Titles Act*, adjust the boundaries of any registry and land titles division that includes lands affected by this Act so as to make the boundaries of such division coincide with the boundaries of the Regional Area.

Registry
boundaries
R.S.O. 1970,
cc. 409, 234

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Ontario shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Durham.

Appoint-
ments for
County of
Ontario
deemed
appoint-
ments for
Judicial
District of
Durham

(6) Notwithstanding subsection 1, a vote of the electors within the Regional Area shall be taken at the same time as the election for the first Regional Council, to determine from among "Durham", "McLaughlin", "Pickering" and "Oshawa", which name the Regional Corporation shall bear and, following the vote, the Minister shall by order,

Referendum
re name of
Regional
Corporation

- (a) confirm the name of the Regional Corporation as set out in subsection 1, as being that chosen by the majority of the electors within the Regional Area; or
- (b) declare the name the Regional Corporation shall bear as being that chosen by the majority of the electors within the Regional Area,

and where a declaration is made under clause *b*, all references to The Regional Municipality of Durham and all ancillary references to Durham shall be deemed to be references to such regional municipality and to such name as is designated in the declaration.

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional
Council to
exercise
corporate
powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers
exercised
by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Not to be
quashed as
unreasonable

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of thirty-one members composed of a chairman and,

- (a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) ten members of the council of the area municipality of the City of Oshawa who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) one member of the council of the area municipality of the Town of Ajax who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) three members of the council of the area municipality of the Town of Newcastle who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) three members of the council of the area municipality of the Town of Pickering who have been elected as members of the Regional Council and of the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality;
- (g) one member of the council of the area municipality of the Township of Brock who has been elected as a member of the Regional Council and of the council of such area municipality;
- (h) one member of the council of the area municipality of the Township of Scugog who has been elected as a member of the Regional Council and of the council of such area municipality;
- (i) one member of the council of the area municipality of the Township of Uxbridge who has been elected as a member of the Regional Council and of the council of such area municipality.

Term
of office

(2) The members so elected shall hold office for the years 1973, 1974, 1975 and 1976 and thereafter for two-year terms of office.

Appointment
of chairman
by Lieu-
tenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under

this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine.

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman member of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

10.—(1) The first meeting of the Regional Council shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting. First meeting, 1973

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1974 and in the year 1977 and in every second year thereafter shall be held not later than the 8th day of January. First meeting of area councils

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council. First meeting of Regional Council

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not Certificate of qualification

take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Idem (5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section.

Oath of allegiance, declaration of qualification (6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration of office (7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

R.S.O. 1970, c. 284

When Regional Council deemed organized (8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of meeting 11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum, voting 12.—(1) Sixteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote (2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman, vote (3) The chairman does not have a vote except in the event of an equality of votes.

Vacancies, chairman 13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem (2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the

Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Regional Council fails to elect a chairman ^{Idem} within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

(4) When a vacancy occurs in the office of a member, other ^{Other members} than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of the ^{Resignation} Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

(6) In the event that the head of a council of an area ^{Where head of council incapacitated} municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

14.—(1) Members of the Regional Council, other than the ^{Remuneration} chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

(2) For the year 1977 and each year thereafter, the ^{Idem} chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

15.—(1) The Regional Council may from time to time ^{Committees} establish such standing or other committees and assign to them such duties as it considers expedient.

(2) The Regional Council may by by-law provide for ^{Remuneration of committee chairman} paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
administra-
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application
of R.S.O.
1970, c. 284

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appoint-
ment of
clerk

20.—(1) The Regional Council shall appoint a clerk whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;

- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.
- (2) The Regional Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.
- (3) When the office of the clerk is vacant or the clerk ^{Acting clerk} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.
- (4) The chairman appointed under subsection 1 of section 9 ^{Acting clerk, first meeting} shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter until the Regional Council appoints a clerk under this section.
- 21.**—(1) Any person may, at all reasonable hours, inspect ^{Records open to inspection} any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.
- (2) The clerk shall keep an index book in which he ^{Index of by-laws affecting land} shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.
- (3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified ^{Copies certified by clerk to be receivable in evidence} under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.
- 22.**—(1) The Regional Council shall appoint a treasurer ^{Appointment of treasurer} to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and disbursement of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

When member may be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's liability limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other accounts; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the^{Monthly statement} Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

(2) Where the treasurer is removed from office or absconds,^{Notice to sureties} the Regional Council shall forthwith give notice to his sureties.

26.—(1) The Regional Council shall by by-law appoint^{Appoint-ment of auditors} one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

(2) Where an auditor audits the accounts and transactions^{Cost of audit} of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

(3) No person shall be appointed as an auditor of the^{Disquali-fication of auditors} Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council

of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties
of auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(2) Where the Regional Corporation or local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Sick leave
credits

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof or of the County of Ontario or a local board thereof, or of the United Counties of Northumberland and Durham or a local board thereof, until the Regional Corporation or local

board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board^{Holidays} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the County of Ontario or local board thereof, or the United Counties of Northumberland and Durham or local board thereof, or the municipality or local board thereof.

(5) The Regional Council shall offer to employ every^{Offer of employment} person who, on the 1st day of April, 1973, is employed by any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

(6) Any person who accepts employment offered under subsection 5 or under subsection 2 of section 28 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 22nd day of June, 1973.^{Entitlement to salary}

(7) The Regional Corporation shall be deemed to be a^{Application of R.S.O. 1970, c. 324} municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

(8) The employees of the local municipalities, and the local^{Offer of employment} boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, or of a local municipality or part of a local municipality that is constituted an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973, and continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed or the local municipality or part of the local municipality that is constituted an area municipality and any person accepting

employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those which he would have been entitled if he had remained in the employment of the local municipality or local board thereof by which he was formerly employed.

Termination
of employ-
ment

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Hardship
on transfer

28.—(1) Where under the provisions of section 27 or subsection 2 any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

County
employees

(2) With respect to the employees of the County of Ontario or local board thereof and the employees of the United Counties of Northumberland and Durham or local board thereof,

- (a) the Minister shall by order appoint a committee of arbitrators who shall determine which county, regional, metropolitan or other municipality or local board thereof shall offer to employ such employees;
- (b) the decision of such committee of arbitrators shall be final and binding upon the affected municipalities or local boards thereof; and
- (c) the provisions of subsections 1, 2, 3, 4, 7 and 11 of section 27 apply *mutatis mutandis* to employees who accept an offer of employment under this subsection.

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

29. In this Part,

- (a) “approved” means approved by the Minister or of a type approved by the Minister;

- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

30.—(1) On and after the 1st day of January, 1974, all County roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Ontario and the United Counties of Northumberland and Durham, within the Regional Area, shall constitute the regional road system.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 40, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or

by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council.

Application
of R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plan of
construction
and
maintenance

31. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of informa-
tion to
Minister

32. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

33. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and High-*

way Improvement Act, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

34. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. Maintenance and repair

35. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Ontario or The Corporation of the United Counties of Northumberland and Durham or the corporation of the area municipality or the corporation of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Ontario or the United Counties of Northumberland and Durham or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. Power over roads assumed

36.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted
R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided
R.S.O. 1970, c. 255

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970, c. 201, s. 97, subs. 4, not to apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

37.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Intersection of other roads by regional road

38. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

39. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 30 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970, c. 284

40.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection “public transit motor vehicle” means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of a passenger transportation service.

Establishment of bus lanes

41.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

42.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

Contribu-
tions toward
costs of
signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within
100 feet of
regional
roads
R.S.O. 1970,
c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for pedes-
trian walks

43. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes
as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

44.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the

Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. Term of order

45. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between area municipalities
R.S.O. 1970, c. 284

46. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between Regional Area and adjoining municipality

47.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. Restrictions
R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. Conflict with local by-laws

48.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this Notice of application for approval for closing road

section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such cost; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from the county court, and the decision of the Divisional Court is final.

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

R.S.O. 1970,
c. 323, s. 95
not to apply

49. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Private
roads, etc.,
opening upon
regional
controlled-
access road

50.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 49.

Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Service of
notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Failure to
comply with
notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 48 was constructed or used, as the case may be,

Compensa-
tion

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 49, in which case the making of compensation is subject to any provisions of such by-law.

Regional
liability
where road
forms part
of system

51.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

52.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

53. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of R.S.O. 1970,
c. 201

54. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

REGIONAL WATERWORKS SYSTEM

55.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation except the power to establish a public utilities commission.

Supply and distribution of water by Regional Corporation

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Area municipalities, no power to supply and distribute water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of property in Regional Corporation

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Payments of principal and interest to area municipalities

R.S.O. 1970, c. 255

(5) Where the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to be charged by area municipality

56. With respect to any agreements entered into by any municipality or local board thereof in the Regional Area for the supply and distribution of water, the Regional Corpora-

Agreements

tion shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART V

REGIONAL SEWAGE WORKS

Collection
and disposal
of sewage by
Regional
Corporation

57.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 1 of section 58, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Area municipi-
palities, no
power to
collect and
dispose of
sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 1 of section 58.

Vesting of
property in
Regional
Corporation

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 1 of section 58 and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payment of
principal and
interest to
area municipi-
palities

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

(5) Where the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to
be charged
by area
municipality

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 1 of section 58 a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Imposition of
sewage rate

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 1 of section 58, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(8) An area municipality may,

Raising of
money by
area
municipality

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

R.S.O. 1970,
c. 284

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sew-

age and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

Land
drainage

58.—(1) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of systems

(2) Where the Regional Corporation undertakes a program provided for in subsection 1, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation and the provisions of subsections 4 and 5 of section 57 shall apply thereto *mutatis mutandis*.

PART VI

PLANNING

Planning
area

R.S.O. 1970,
c. 349

59.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a planning area under *The Planning Act* to be known as the Durham Planning Area and no area municipality shall be a planning area under *The Planning Act*.

Planning
areas
dissolved

(2) All planning areas and subsidiary planning areas that are included in the Durham Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Official
plans
preserved

(3) All official plans in effect in any part of the Regional Area, on and after the first day of January, 1974, remain in effect as official plans of the Durham Planning Area and when an official plan adopted by the Regional Council has been approved by the Minister all other official plans shall be amended forthwith to conform therewith.

Effect of
official plan

(4) When the Minister has approved an official plan adopted by the Regional Council, every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith.

60.—(1) The Regional Council may designate any area municipality within the Durham Planning Area as a district ^{District planning areas} planning area for such period and on such terms and conditions as the Regional Council considers necessary.

(2) Upon designation of an area municipality as a district ^{Preparation of district plan} planning area under subsection 1, the Regional Council shall authorize the council of the affected area municipality to prepare a district plan.

61.—(1) Every council of an area municipality authorized ^{Planning duties of area councils} under subsection 2 of section 60 shall investigate and survey the physical, social and economic conditions in relation to the development of the affected area municipality and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality in determining the solution of problems or matters affecting the development of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council for approval.

(2) The Regional Council shall, with respect to plans ^{Powers of Regional Council} submitted to it under clause *d* of subsection 1,

- (a) approve the plan, after amendment if the Regional Council deems it necessary, and forward it to the Minister for approval as an official plan or as an amendment to an official plan, as the case may be; or
- (b) reject the plan,

and the Regional Council may confer with officials of municipalities and any others who may be concerned.

Planning
duties of
Regional
Council

62.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Durham Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Durham Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Durham Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Durham Planning Area in determining the solution of problems or matters affecting the development of the Durham Planning Area; and
- (c) consult with any local board having jurisdiction within the Durham Planning Area.

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appoint-
ment of
planning
staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

Regional
Corporation
deemed muni-
cipality
under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Idem

(5) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Durham Planning Area or any part thereof.

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers R.S.O. 1970, c. 349

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Durham Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act. Committees of adjustment

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*. Land division committee

63. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation. Application of R.S.O. 1970, c. 349

PART VII

POLICE

64. In this Part, "Durham Police Board" means the Durham Regional Board of Commissioners of Police. Interpretation

65.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973, a board of commissioners of police shall be constituted to be known as the Durham Regional Board of Commissioners of Police, which shall consist of, Durham Regional Board established R.S.O. 1970, c. 351

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of any county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Durham Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. Quorum

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Durham Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed a
city under
R.S.O. 1970,
c. 351

66.—(1) On and after the 1st day of January, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the Durham Police Board and the members of the Durham Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Durham Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

Area
police force

67.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Durham Regional Police Force, and the provisions of subsection 4 of section 27 and section 28 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

Durham
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Durham Regional Police Force on the 1st day of January, 1974, is subject to the government of the Durham Police Board to the same extent as if appointed by the Durham Police Board and the Durham Regional Police Association shall be entitled to make representations to such Board in respect of by-laws

and regulations for the government of the Durham Regional Police Force.

(3) Every person who becomes a member of the Durham Regional Police Force under subsection 1 shall, ^{Terms of employment}

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Durham Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the City of Oshawa Police Force;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years;
- (c) have credited to him in the Durham Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Durham Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

(4) Civilian employees and assistants of the Durham Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains the age of sixty-five years. ^{Civilians, retirement}

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Durham Police Board in the manner and for the purposes provided in *The Police Act* and the Durham Police Board shall be the sole negotiating body to bargain with such committee. ^{Joint bargaining committee}
^{R.S.O. 1970, c. 351}

(6) The first meeting of the bargaining committee and the Durham Police Board shall be held not later than the 30th day of November, 1973. ^{Time of meeting}

Application
of R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Durham Police Board.

Assumption
of buildings

68.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Durham Police Board any such land or building that the Durham Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by
area municipi-
palities
limited

(2) No local municipality, between the 1st day of July, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board, sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) Where the Regional Corporation fails to make any ^{Default} payment required by clause *b* of subsection 5 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(7) Where a building vested in a local municipality ^{Accommo-} or local board is used partly by the police force of the ^{dation} municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Durham Police Board, on or after the 1st day of January, 1974, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Durham Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

69.—(1) At the request of the Durham Police Board, ^{Office} each area municipality, for the use of the Durham Police ^{supplies, etc.,} ^{transferred} Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(2) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Durham Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

70. In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to
be provided

71. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Durham Police Board.

PART VIII

HEALTH AND WELFARE SERVICES

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1970,
cc. 378, 361

72.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Ontario and whose place of residence was on the 31st day of December, 1973, within the Regional Area, or the United Counties of Northumberland and Durham and whose place of residence was on the 31st day of December, 1973, within the Regional Area. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. Proviso

73.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 89. Hospital costs form part of regional levy

74.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Durham Regional Board of Health. Regional Area to be health unit
R.S.O. 1970, c. 377

Boundaries
fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Dissolution
of health
units, etc.

75. The Minister of Health shall by order provide for the dissolution or reorganization of the health units serving the County of Ontario and the United Counties of Northumberland and Durham on the 31st day of December, 1973, and for the vesting of the assets and liabilities thereof.

Constitution
of health
board

76.—(1) On and after the 1st day of January, 1974, the Durham Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Durham Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Durham Regional Board of Health establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

77.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

- 1. *The Anatomy Act.*
- 2. *The Mental Hospitals Act.*
- 3. *The Sanatoria for Consumptives Act.*
- 4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

- 1. *The Day Nurseries Act.*
- 2. *The General Welfare Assistance Act.*
- 3. *The Homemakers and Nurses Services Act.*

78.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability
for homes
for aged,
R.S.O. 1970,
c. 206

(2) The homes for the aged known as Lakeview Manor, in the Village of Beaverton, Fairview Lodge, in the Town of Whitby, and Hillsdale Manor, in the City of Oshawa, and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, subject to subsection 3, without compensation.

Homes for
aged vested
in Regional
Corporation

(3) The Regional Corporation shall pay to the City of Oshawa before the due date all amounts of principal and interest becoming due upon any outstanding debt of such city in respect of the home known as Hillsdale Manor referred to in subsection 2.

Existing
debt

(4) If the Regional Corporation fails to make any payment required by subsection 3, on or before the due date, the City of Oshawa may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum, or such lower rate as the council of the said City determines, from such date until payment is made.

Default

79.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

Residents
of other
homes for
the aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of
maintenance
payment

80. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 64

81. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965, and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing
liabilities
transferred
1965, c. 14

Liability
under order
made under
R.S.C. 1970,
c. J-3

82. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

83. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Adjustments

84. In the event there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

85. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

86.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Area muni-
cipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Regional
Corporation
deemed
regional
municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 89 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*. R.S.O. 1970,
c. 405

87. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment
of moneys not
immediately
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES AND LEVIES

88.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. Yearly
estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. Allowance
to be made
in estimates

(3) The amount by which any operating deficit existing for the County of Ontario on the 31st day of December, 1973, exceeds the total of such county’s reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipality or municipalities, or municipality or municipalities within the County of Ontario, as it existed on the 31st day of December, 1973, but not included in the Regional Area, not later than the 30th day of June, 1974. Operating
deficit,
County of
Ontario

(4) The amount by which any operating deficit existing for the United Counties of Northumberland and Durham on the 31st day of December, 1973, exceeds the total of such counties’ reserves on such date shall become a charge on the municipalities that levied rates for such counties in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the County Operating
deficit,
United
Counties of
Northumber-
land and
Durham

of Northumberland by the appropriate area municipality or municipalities, or municipality or municipalities within the United Counties of Northumberland and Durham, as they existed on the 31st day of December, 1973, but not included in the Regional Area, not later than the 30th day of June, 1974.

Operating
surplus, etc.,
County of
Ontario

(5) Where an operating surplus exists for the County of Ontario on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation and the Regional Corporation shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes,

- (a) in respect of the Township of Mara and the Township of Rama, to the County of Simcoe;
- (b) in respect of that part of the Township of Pickering which becomes part of the Borough of Scarborough, as determined in the proportion that the assessment of such part bears to the total assessment of the Township of Pickering, both according to the last revised assessment roll, to the Municipality of Metropolitan Toronto,

and the payments under this subsection shall be made not later than the 30th day of June, 1974.

Operating
surplus, etc.,
United
Counties of
Northumber-
land and
Durham

(6) Where an operating surplus exists for the United Counties of Northumberland and Durham on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such counties' reserves on such date, such amount shall vest in the County of Northumberland, and the County of Northumberland shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes,

- (a) in respect of the Town of Bowmanville, the Village of Newcastle, the Township of Cartwright, the Township of Clarke and the Township of Darlington, to the Regional Corporation;
- (b) in respect of the Township of Manvers to the County of Victoria;
- (c) in respect of the Village of Millbrook, the Township of Cavan and the Township of South Monaghan to the County of Peterborough,

and the payments under this subsection shall be made not later than the 30th day of June, 1974.

(7) Where an operating surplus exists for the County of Ontario or the United Counties of Northumberland and Durham on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of the respective county's reserves on such date, a sum shall be determined equivalent to the aggregate of, ^{Surplus contribution City of Oshawa}

- (a) the audited surplus of the County of Ontario together with the total of such county's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date; and
- (c) any amount payable to the Regional Corporation under subsection 6,

and such sum shall be paid by the City of Oshawa to the Regional Corporation not later than the 30th day of June, 1974.

(8) Notwithstanding subsection 2 in the year 1974, the Regional Council shall transfer to a reserve for working funds ^{Reserve for working funds} an amount equal to the aggregate of,

- (a) the audited surplus of the County of Ontario together with the total of such county's reserves on such date; or
- (b) the total of such county's reserves less the audited deficit of the county on such date; and
- (c) any amount payable to the Regional Corporation under subsections 6 and 7.

(9) For the purposes of subsections 7 and 8, the audited surplus of the County of Ontario at the 31st day of December, 1973, shall be reduced by any payment made by the Regional Corporation under subsection 5. ^{Operating surplus, County of Ontario}

(10) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. ^{Application of R.S.O. 1970, cc. 32, 284}

89.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and

- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportionment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipality

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional

Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply
R.S.O. 1970, c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 149 to any area municipality, and shall include the amount by which the assessment of a municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid
R.S.O. 1970, c. 284
1971, c. 78
1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. Valuation of properties

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Equalization
of assessment
of merged
areas

90.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and

subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. R.S.O. 1970, c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. Determination of rates
R.S.O. 1970, c. 405

91.—(1) Notwithstanding section 89, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 89, and subsections 14 and 15 of section 89 apply to such levy. Levy by Regional Council before estimates adopted

(2) Notwithstanding section 89, in 1975 and in subsequent years the Regional Council may, before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 89 apply to such levy. Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 89. Levy under s. 89 to be reduced

(4) Notwithstanding section 90, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. Levy by area municipality before estimates adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 89. Levy under s. 89 to be reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1970, c. 284, s. 303 (4)

Preliminary
assessment

(7) The Ministry of Revenue, for the purposes of a levy under subsection 1, shall complete a preliminary assessment based on the assessment of the local municipality used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 89, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 89.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

92.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment

for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for secondary school purposes on residential assessment
R.S.O. 1970, c. 424

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under
R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

93. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional adjustments

94.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited

Idem

surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
of payment
under
s. 88

(4) For the purpose of this section and section 95, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased, as the case may be, by any payment made by a local municipality under subsections 3, 4 and 7 of section 88.

Interpre-
tation

R.S.O. 1970,
c. 284

95.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

96.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of Pickering, the County of Ontario and the United Counties of Northumberland and Durham.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds or such other person or persons as the Minister may appoint.

Provisional
deter-
mination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the Regional Corporation and the municipalities or area municipalities directly concerned and to the Municipal Board and, unless the Regional

Corporation or the council of any such municipality or area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the Regional Corporation, the municipality or area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by the Regional Corporation and such municipalities or area municipalities.

R.S.O. 1970,
c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Idem

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents
and records

(8) The provisions of subsection 7 apply *mutatis mutandis* to the documents and records of the County of Ontario and the United Counties of Northumberland and Durham as between such counties and the Regional Corporation and any other counties directly concerned.

Idem

(9) Notwithstanding the provisions of sections 88 and 95 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

Period of
adjustment

RESERVE FUNDS

97.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve
funds of
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend

Idem

funds are reserve funds of the area municipality of which the local municipality forms the whole or a part and the assets of such reserve funds are vested in such area municipality.

Reserve
funds, estab-
lishment

98.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

99.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

100.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures. Limitation

(4) When an area municipality, on or before the 31st day of December, 1973, Uncompleted works

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 103, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. Bonds,
debentures,
etc., trustee
investments

R.S.O. 1970,
c. 470

101. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 100 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area Power to
incur debt
or issue
debentures

Idem

102.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1970,
c. 323Borrowing
pending
issue and
sale of
debentures

103.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of an area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the

debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 115 shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Hypotheca-
tion not
to prevent
subsequent
sale of
debentures

104.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Principal
and interest
payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

Sinking
fund
debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

When
debentures
to be
payable

(4) The by-law may provide for raising in each year by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

Special levy
against
area muni-
cipalities

(5) The by-law shall provide for raising in each year by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of debt levied against it under subsection 4.

Levy by
area muni-
cipalities

Instalment
debentures
and debentures to
refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies a
debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of

in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures
when to be
dated and
issued

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Date of
debenture

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension
of time
for issue

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application
after time
expired

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

Consolidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating debenture by-laws
R.S.O. 1970,
c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption before maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assess-

ments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount ^{Principal Levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking ^{Consolidated bank accounts} fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking fund committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970, c. 284

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of sinking fund assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals from bank accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- (a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1970,
c. 470

- (b) in debentures of the Regional Corporation;

- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Deposit of
securities
with
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Release of
securities
by Treasurer
of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Sinking
fund
accounts

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

Earnings
credited to
sinking fund
account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund require-
ments

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account more
than suffi-
cient to
pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of the area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

(a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts and the surplus shall be used for one or more of the following purposes,

(i) to retire unmatured debentures of the Regional Corporation or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Deficit and
surplus

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Term
debentures

(45) In respect of the term debentures, the by-law shall provide for raising,

Amounts to
be raised
annually

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

Retirement
fund

When rate
of interest
may be
varied

105.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 103 shall not constitute a sale or other disposal thereof.

Consolida-
tion of
debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of
by-law when
part only
of money to
be raised

106.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect

any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

107.—(1) Subject to section 106, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt
paid certain
by-laws
cannot be
repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Application
of payments

108. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for
neglect of
officer to
carry out
by-law

109.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money
by-laws
may be
registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 102, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 104 have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

110.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures

or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

111. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

112.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture

Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such a book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as the owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Debenture
registered as
to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement
of lost
debentures

113. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and idemnity as the by-law may provide.

Exchange of
debentures

114.—(1) On request of the holder of any debentures issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Idem

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debentures
of same
force and
effect as
debentures
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in

the Debenture Registry Book particulars of any new debenture issued in exchange.

115.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds of
debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

Surplus

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Deficiency

116. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied

Use of
proceeds of
sale of
asset
acquired
from
proceeds of
sale of
debentures

as an excess in accordance with subsection 3 of section 115 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for
debentures

117. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

118.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

119. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

120.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. ^{Liability of members}

(2) If the Regional Council, upon the request in writing of a ratepayer of an area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area. ^{Action by ratepayer}

(3) The members who vote for such application are disqualified from holding any municipal office for two years. ^{Disqualification}

121. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, ^{Refinancing of debentures}

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

122. In the year 1973, no local municipality in the Regional Area shall, after the 1st day of July, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. ^{Disposal of assets}

PART X

GENERAL

Application
of R.S.O. 1970,
c. 284

123.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed
city under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections
annexations
and amal-
gamations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

Delegation
of approval

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 36 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for
R.S.O. 1970,
c. 250, s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which prior to its enactment, requires the approval of any minister of the Crown, any

provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law.

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(10) Where the Regional Corporation fails to make any payment required by subsection 9 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

124.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-law passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments

and alternates to be members of or advisors to the emergency measures planning committee or any sub-committee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C.1970,
c. W-2;
R.S.O. 1970,
c. 145

Deemed
county for
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Expenditures
for diffusing
information

125.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for such purposes.

Industrial
sites;
industries
department
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Grants to
persons
engaged
in work
advan-
tageous to
Regional
Area

126. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 89, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for

the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

127. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Durham Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of damages to employees

R.S.O. 1970, c. 505

128.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance

1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge

R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

(4) The judge may engage counsel and other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

Commission
of inquiry

129.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

1971, c. 49

When com-
mission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways,
etc.

130. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

131. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O. 1970
c. 23

132.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipi-
palities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

133.—(1) An execution against the Regional Corporation<sup>Execution
against
Regional
Corporation</sup> may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs, The Regional Municipality of Durham

(adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collector
and assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Counties
dissolved

134.—(1) The County of Durham and the Corporation of the County of Ontario and the Corporation of the United Counties of Northumberland and Durham are dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Ontario and the United Counties of Northumberland and Durham in any agreements to which such county, or united counties, was, on the 31st day of December, 1973, a party, in so far as they pertain to the Regional Area.

Idem

(2) With respect to agreements to which the County of Ontario, or the United Counties of Northumberland and Durham was a party, on the 31st day of December, 1973, the committee of arbitrators appointed under section 96 shall, where necessary, determine the successor to such county or successors to such united counties for the purpose of such agreements in so far as they do not pertain to the Regional Area.

Annexations

- (3) On the 1st day of January, 1974,
- (a) the townships of Rama and Mara are annexed to the County of Simcoe;
- (b) the Township of Manvers is annexed to the County of Victoria;

(c) the townships of Cavan and South Monaghan and the Village of Millbrook are annexed to the County of Peterborough; and

(d) the Township of Hope and the Town of Port Hope are annexed to the County of Northumberland.

(4) For the purposes of every Act, the annexations provided for by subsection 3 shall be deemed to have been effected by orders of the Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 1st day of January, 1974, pursuant to applications made under section 14 of *The Municipal Act*, and, subject to the provisions of this Act, the Municipal Board, upon the application of any county or local municipality or local board thereof affected by the annexations or of its own motion, may exercise its powers consequent upon such annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Annexations
deemed by
orders of
O.M.B.

R.S.O. 1970,
cc. 323, 284

135.—(1) All the assets and liabilities excepting reserves, surpluses or deficits of the County of Ontario and the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Ontario and of the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, shall be transferred to the clerk of the Regional Corporation.

Assets and
liabilities,
etc.

(2) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Ontario and the United Counties of Northumberland and Durham.

Powers of
Municipal
Board

(3) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed or vested in the Regional Corporation, the Municipal Board upon application may determine the matter and its decision is final.

Idem

Conditional
powers

136. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

137.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Ontario or a local board thereof or to the United Counties of Northumberland and Durham or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

138.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpre-
tation

139.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

(5) If the Regional Corporation fails to make any payment required by subsection 4 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

140. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

141. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establish-

ment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed
limits
continued
R.S.O. 1970,
c. 202

142.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O. 1970,
c. 354, s. 108

143.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Boards of
Trustees
of Police
Villages of
Orono and
Sunderland
to be Hydro-
Electric
Commissions

(4) The Board of Trustees of the Police Village of Orono and the Board of Trustees of the Police Village of Sunderland,

as they exist on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be commissions established under Part III of *The Public Utilities Act* for the areas of their respective said police villages and be respectively known as the Hydro-Electric Commission of Orono and the Hydro-Electric Commission of Sunderland.

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric systems of the Police Village of Orono and the Police Village of Sunderland shall be assumed on the 1st day of January, 1974, in respect of the Police Village of Orono, by the Hydro-Electric Commission of Orono, which Commission shall be deemed to be a local board of the area municipality of the Town of Newcastle, and in respect of the Police Village of Sunderland, by the Hydro-Electric Commission of Sunderland, which Commission shall be deemed to be a local board of the area municipality of the Township of Brock.

Assets and
liabilities

(6) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not
disqualified
as members
of council

144.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Durham, except the area municipality of the Town of Newcastle, is a school division and The Ontario County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for The Regional Municipality of Durham, except the area municipality of the Town of Newcastle.

Regional
Municipality
school
division

R.S.O. 1970,
c. 425

(2) Subject to subsection 3, on the 1st day of January, 1974, all real and personal property in the Regional Area except the area municipality of the Town of Newcastle that, on the 31st day of December, 1973, was vested in The Northumberland and Durham County Board of Education is vested in the divisional board for the portion of the Regional Area referred to in subsection 1, and all debts, contracts, agreements and liabilities for which The Northumberland and Durham County Board of Education

Vesting of
property

was liable in respect of such real and personal property become obligations of the divisional board for such portion of the Regional Area.

Adjustment
of assets
and
liabilities

(3) The divisional board for the portion of the Regional Area referred to in subsection 1 and The Northumberland County Board of Education referred to in section 145 shall adjust in an equitable manner as may be agreed upon, the assets and the liabilities as at the 31st day of December, 1973, in respect of such real and personal property referred to in subsection 2, except lands and premises used as schools on such 31st day of December and the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts

(4) The employment contract of every employee who, immediately before the 1st day of January, 1974, was employed by The Northumberland and Durham County Board of Education to provide services in a school that on and after the 1st day of January, 1974, is included in the Regional Area except the area municipality of the Town of Newcastle shall be deemed to have been made with the divisional board for the portion of the Regional Area referred to in subsection 1.

Northumber-
land and
Durham
County
Board of
Education
continued
R.S.O. 1970,
c. 425

145.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Northumberland and Durham County Board of Education is continued and shall, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, be known as The Northumberland County Board of Education and shall have jurisdiction for school purposes in the County of Northumberland and in the area municipality of the Town of Newcastle.

Board
members
continue
in office

(2) The members of The Northumberland and Durham County Board of Education who hold office on the 31st day of December, 1973, and who represent public school supporters or separate school supporters who, on and after the 1st day of January, 1974, are resident in the area municipality of the Town of Newcastle or in any of the municipalities that on and after the 1st day of January, 1974, are within the County of Northumberland continue to hold office as members of The Northumberland County Board of Education during the year 1974.

Ontario
County
Roman
Catholic
Separate
School
Board
continued
R.S.O. 1970,
c. 430

146.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Ontario County Roman Catholic Separate School Board is continued, subject to subsection 4 of section 85 of *The Separate Schools*

Act, as a county combined separate school board for the Regional Area except the area municipality of the Town of Newcastle.

(2) Notwithstanding the provisions of any other Act,^{Idem} on and after the 1st day of January, 1974, The Peterborough-Victoria-Northumberland and Durham County Roman Catholic Separate School Board is continued and shall be known, subject to subsection 2 of section 85 of *The Separate Schools Act*, as The Northumberland-Peterborough-Victoria County Roman Catholic Separate School Board and shall have jurisdiction in the Counties of Northumberland, Peterborough, and Victoria and in the area municipality of the Town of Newcastle.

147. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Ontario County Board of Education, and section 90 of *The Separate Schools Act* applies to the election of the trustees of The Ontario County Roman Catholic Separate School Board, except that notwithstanding *The Municipal Elections Act*, 1972, in the year 1973,^{Elections for educational purposes R.S.O. 1970, c. 430 cc. 425, 430 1972, c. 95}

- (a) the polling day for the members of The Ontario County Board of Education and the trustees of The Ontario County Roman Catholic Separate School Board shall be the 1st day of October and the hours of polling shall be the same as for the municipal elections in the Regional Area, and the members and trustees elected on such date shall take office on the 1st day of January, 1974, and continue in office until the 31st day of December, 1976;
- (b) the Minister shall, by order, provide for the nomination of candidates for The Ontario County Board of Education and for The Ontario County Roman Catholic Separate School Board and may, by order, provide for any other matters necessary to hold the election for such boards;
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and
- (d) the expenses of the local municipalities for such elections shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

148.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park^{Boards, etc., dissolved}

management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 96 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Council deemed recreation committee, etc.

R.S.O. 1970, cc. 120, 73

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Acquiring land for parks, etc.

R.S.O. 1970, c. 384

149.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Sale of spirituous, etc., liquors in parks

R.S.O. 1970, c. 250

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application of R.S.O. 1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional Corporation a municipality under R.S.O. 1970, c. 337

Park lands owned by conservation authority

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*,

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*. R.S.O. 1970, c. 202

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payment in lieu of taxes

(7) The Regional Council shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Regional Council deemed community centre board, etc. R.S.O. 1970, cc. 120, 73

150. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973. R.S.O. 1970, c. 284, s. 244 not to apply

151. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. Public library boards R.S.O. 1970, c. 381

152. The council of the City of Oshawa may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*. Power of cities in Regional Area to pass by-laws R.S.O. 1970, c. 284

153.—(1) The Oshawa Suburban Roads Commission is hereby dissolved on the 1st day of January, 1974. Roads commission dissolved

(2) All the assets and liabilities of the roads commission referred to in subsection 1 become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the clerk. Assets and liabilities

154.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation and the costs incurred before the 1st day of July, 1974, in respect of its change of name, by a school board that has jurisdiction in part of the Regional Area. Organization expenses, etc.

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Idem

Commence-
ment

155.—(1) This Act, except Parts IV and V and sections 72 to 74 and 76 to 85 of Part VIII, sections 86 to 95 and 97 to 121 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts IV and V and sections 72 to 74 and 76 to 85 of Part VIII and sections 86 to 95 and 97 to 121 of Part IX come into force on the 1st day of January, 1974.

Short title

156. This Act may be cited as *The Regional Municipality of Durham Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Durham, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Durham declare that:

- 1. I am a British subject and am not a citizen or a subject of any foreign country.
- 2. I am of the full age of eighteen years.
- 3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
- 4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

CHAPTER 79

**An Act to incorporate the
Town of Wasaga Beach**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Town" means the municipality or corporation of the Town of Wasaga Beach, as constituted by section 2;
- (b) "merged area" means any area so designated by the Minister for the purposes of this Act;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2.—(1) On the 1st day of January, 1974, The Corporation of the Village of Wasaga Beach is erected into a town municipality bearing the name "The Corporation of the Town of Wasaga Beach" and the portions of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale described in the Schedule hereto are annexed to such town.

(2) The members of the council and of the Hydro Electric Commission of The Corporation of the Village of Wasaga Beach shall cease to hold office at the end of the year 1973.

Termination
of office of
present
council
members,
etc.

3.—(1) The council of the Town shall be composed of a mayor, a reeve, a deputy reeve and four councillors to be elected by general vote.

Council
composition

(2) Notwithstanding *The Municipal Elections Act, 1972*, the first council of the Town shall hold office until the 1st day of January, 1977, and each succeeding council shall hold office for a two-year term.

Term of
office
1972, c. 95

First
election

(3) The Minister by order shall provide for the holding of elections in the year 1973 for members of the council of the Town and for members of the Hydro Electric Commission including polling day, which shall be the 1st day of October, nominations, appointment of returning officers, preparation of polling lists, and any such other matters as are considered necessary in respect of the first election.

Organization
committee
in 1973

(4) The members of the council of the Town elected in the year 1973 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning.

First
election
expenses

(5) The cost of the elections referred to in subsection 3 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Hydro
Electric
Commission
continued

4.—(1) The Hydro Electric Commission of the Village of Wasaga Beach shall continue after the year 1973 as the Hydro Electric Commission of the Town of Wasaga Beach and shall consist of three members of whom the mayor shall be one *ex officio*, with the other two members to be elected at the same time and place and in the same manner as the mayor.

Term of
office
1972, c. 95

(2) Notwithstanding *The Municipal Elections Act, 1972*, the members elected to the Commission in the year 1973 shall hold office until the 1st day of January, 1977, and thereafter members of the Commission shall hold office for a two-year term.

Commission
members to
be elected
by general
vote
R.S.O. 1970,
c. 390

(3) Notwithstanding *The Public Utilities Act*, the two members to be elected to the Commission shall be elected by general vote of the electors of the Town.

No utility
commission
to be
established

5. The council of the Town shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

Dissolution
of com-
munity hall
board by
Minister

6. The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Community Hall Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1970,
cc. 120, 73

Wasaga
Beach
Planning
Area

7.—(1) Commencing on the 1st day of January, 1974, the Wasaga Beach Planning Area shall consist of the Town as constituted by section 2.

(2) The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Planning Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town to be the planning board.

Dissolution
of Planning
Board by
Minister

8. In sections 9 and 11,

Interpre-
tation

(a) “commercial assessment” means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*,<sup>R.S.O. 1970,
c. 32</sup>

according to the last revised assessment roll;

(b) “residential assessment” means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

9.—(1) The council of the Town shall levy as provided in this section, the sums adopted for general purposes in accordance with section 307 of *The Municipal Act* together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board.

Rates

R.S.O. 1970,
c. 284

(2) The Ministry of Revenue shall revise and equalize each part of the last revised assessment roll of the Town that relates to a merged area and each such part of the last revised assessment roll as revised and equalized is final and binding.

Equali-
zation of
assessment

(3) Upon completion by the Ministry of Revenue of the revision and equalization of assessment under subsection 2, the Minister of Revenue shall notify the Town of the revised and equalized assessment of each merged area.

Notification

Levy on commercial assessment

(4) The amount to be raised by the Town in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the Town bears to the total assessment of the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on residential assessment

(5) The amount to be raised by the Town in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the the residential assessment of the Town bears to the total assessment of the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2 reduced by a sum equal to the estimated revenue from payments to be received in that year by the Town under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1970,
c. 293

Apportionment among merged areas

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of the Town in the following manner:

1. The amount, as ascertained in accordance with subsection 4, to be raised by the Town in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.
2. The amount, as ascertained in accordance with subsection 5, to be raised by the Town in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on commercial assessment in merged areas

(7) The council of the Town shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

Levy on residential assessment in merged areas

(8) The council of the Town shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

(9) For the purpose of determining the apportionment of county rates in 1974, the County of Simcoe shall use the assessment as revised and equalized under subsection 2.

10.—(1) Notwithstanding section 9, the council of the Town may, in the year 1974 by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the Town, before the adoption of the estimates, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(2) The amount of levy under subsection 1 shall be deducted from the amount of the levy made under section 9.

(3) Subsection 4 of section 303 of *The Municipal Act* applies to levies under this section.

11.—(1) For the purposes of setting rates and the levying of sums of money for rates and taxes under *The Separate Schools Act*, the merged areas of the Town shall be deemed to be municipalities, and the council of the Town shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by the Town for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

(3) The amount required to be levied and collected by the Town for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

(4) The amount required to be levied and collected by the Town for secondary school purposes on commercial assessment

R.S.O. 1970,
c. 424

ment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by the Town for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Regulations
under R.S.O.
1970, c. 425 to
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5, shall be made in accordance with such regulation.

Transitional
adjustments

12. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the Town shall levy, in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances
to be made in
estimates of
Town in 1974
R.S.O. 1970,
c. 284

13. For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of the Town for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the Town.

Interpre-
tation

14.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31st,
1973, to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of each of the merged areas at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

15. All the assets and liabilities of the Village of Wasaga Beach become assets and liabilities of the Town on the 1st day of January, 1974, without compensation. Assets and liabilities vested in Town

16.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale. Committees of arbitrators

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974. Provisional determination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned and to the Ontario Municipal Board and unless the council of any such municipality notifies the Board in writing within thirty days of the mailing of such determination to the municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities. Idem R.S.O. 1970, c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such determination. Idem

(7) The Minister may by order prescribe the period over which any adjustments and settlements are to be made. Period of adjustment

17. For the purposes of every Act, the annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal Annexations deemed by Municipal Board Orders R.S.O. 1970, cc. 323, 284

under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act, the Ontario Municipal Board, upon application of the Town or of its own motion, may exercise its powers consequent upon such annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and “municipalities” in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the Town.

Commence-
ment

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Town of Wasaga Beach Act, 1973*.

SCHEDULE

Part of the Township of Flos, commencing at a point on the west boundary of the Township of Flos where it is intersected by the westerly prolongation of the centre line of the road allowance between concessions V and VI of the said Township of Flos;

THENCE easterly to and along the centre line of the said road allowance between concessions V and VI to the intersection of the southerly prolongation of the line between lots 23 and 24 in Concession VI of the Township of Flos;

THENCE northerly to and along the line between lots 23 and 24 in concessions VI and VII and the northerly prolongation thereof to the centre line of the road allowance between concessions VII and VIII in the Township of Flos;

THENCE easterly along the centre line of the said road allowance to the southerly prolongation of the line between lots 21 and 22 in Concession VIII;

THENCE northerly to and along the line between lots 21 and 22 in concessions VIII and IX to the line between the north and south halves of Lot 21 in Concession IX of the said Township of Flos;

THENCE easterly along the line between the north and south halves of Lot 21 in Concession IX and the easterly prolongation thereof to the centre line of the road allowance between lots 20 and 21 in Concession IX of the Township of Flos;

THENCE northerly along the said centre line of the road allowance between lots 20 and 21 to the intersection of the centre line of the road allowance between concessions IX and X;

THENCE easterly along the said centre line of the road allowance to the southerly prolongation of the line between lots 19 and 20 in Concession X of the Township of Flos;

THENCE northerly to and along the line between lots 19 and 20 in concessions X and XI and the northerly prolongation thereof to the northerly boundary of the Township of Flos;

THENCE westerly along the north boundary of the Township of Flos to the high water mark of Nottawasaga Bay;

THENCE continuing westerly along the prolongation of the north boundary of the Township of Flos in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the northerly prolongation of the westerly boundary of the said Township of Flos;

THENCE southerly along the northerly prolongation of the west boundary of the Township of Flos to a point on the high water mark of Nottawasaga Bay, the said point being on the northwest boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Flos and the Village of Wasaga Beach to the said west boundary of the Township of Flos;

THENCE southerly along the west boundary of the said Township of Flos to the point of commencement.

Part of the Township of Nottawasaga, commencing at a point in the east boundary of the Township of Nottawasaga where it is intersected by the easterly prolongation of the limit between lots 31 and 32 in Concession I of the said Township of Nottawasaga;

THENCE westerly to and along the limit between lots 31 and 32 in concessions I and II and the westerly prolongation thereof to the centre line of the road allowance between concessions II and III of the Township of Nottawasaga;

THENCE northerly along the said centre line of the road allowance between concessions II and III to the easterly prolongation of the southerly limit of Lot 33 in Concession III;

THENCE westerly to and along the south limit of the said Lot 33 to the southwest angle thereof;

THENCE northerly along the westerly limit of lots 33, 34 and 35 in Concession III to the high water mark of Nottawasaga Bay;

THENCE northerly along the prolongation of the said west limit of Lot 35, an approximate distance of 10.7 miles, to the middle of Nottawasaga Bay in accordance with the said subsection 1 of section 11 of *The Territorial Division Act*;

THENCE southeasterly along the middle of the Nottawasaga Bay to the intersection of the northerly prolongation of the east boundary of the Township of Nottawasaga in accordance with the said *Territorial Division Act*;

THENCE southerly along the prolongation of the east boundary of the Township of Nottawasaga, an approximate distance of 9 miles to the high water mark of Nottawasaga Bay;

THENCE southerly along the east boundary of the Township of Nottawasaga to the point of commencement.

Part of the Township of Sunnidale, commencing at a point in the westerly boundary of the Township of Sunnidale where it is intersected by the westerly prolongation of the north limit of lands of Donald McNabb as described in Registered Instrument Number 114859;

THENCE easterly to and along the northerly limit of the lands of Donald McNabb to the line between lots 1 and 2 in Concession XIV of the Township of Sunnidale;

THENCE southerly along the said line between lots 1 and 2 to the northwest angle of the lands of Ralph Morgan as described in Registered Instrument Number 13739 (Sunnidale);

THENCE easterly along the north limit of the last mentioned lands 1497.57 feet to the northeast angle thereof;

THENCE southerly along the east limit of the last mentioned Instrument Number 13739 a distance of 1118.03 feet to a point measured northerly 1180 feet more or less from the south limit of Lot 2 in Concession XIV of the Township of Sunnidale;

THENCE easterly along the north limit of the lands of Mabel Morgan as described in Registered Instrument Number 87847 a distance of 2289.21 feet to the west limit of the Old Sunnidale Road;

THENCE southeasterly along the west limit of the Old Sunnidale Road and its prolongation to the centre line of the road allowance between concessions XIII and XIV of the Township of Sunnidale;

THENCE easterly along the centre line of the road allowance between concessions XIII and XIV and its easterly prolongation to the east boundary of the Township of Sunnidale;

THENCE northerly along the east boundary of the said Township of Sunnidale to the southeasterly boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Sunnidale and the Village of Wasaga Beach to the west boundary of the Township of Sunnidale;

THENCE southerly along the west boundary of the said Township of Sunnidale to the point of commencement.

Part of the Township of Sunnidale, commencing at the northwest angle of the Village of Wasaga Beach;

THENCE northerly along the prolongation of the boundary between the townships of Sunnidale and Nottawasaga, in accordance with the said *Territorial Division Act*, an approximate distance of 9 miles to the middle of Nottawasaga Bay;

THENCE southeasterly, in a straight line, to the northwest angle of the Township of Flos;

THENCE southerly along the prolongation of the boundary between the townships of Sunnidale and Flos to the north boundary of the Village of Wasaga Beach, being the high water mark of Nottawasaga Bay;

THENCE westerly along the said Village boundary to the point of commencement.

CHAPTER 80

**An Act respecting
the Sale of Live Stock Medicines
to Owners of Live Stock**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Live Stock Medicines Licence Review Board;
- (b) "Committee" means The Live Stock Medicines Advisory Committee;
- (c) "Director" means the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food;
- (d) "drug" means a drug as defined in *The Pharmacy Act*; R.S.O. 1970,
c. 348
- (e) "inspector" means an inspector appointed under this Act;
- (f) "licence" means a licence under this Act;
- (g) "live stock" means cattle, goats, horses, poultry, rabbits, sheep and swine and animals maintained in captivity for the production of fur;
- (h) "live stock medicine" means a drug or class of drugs designated as a live stock medicine in the regulations;
- (i) "Minister" means the Minister of Agriculture and Food;
- (j) "owner" includes a person employed by or authorized to act on behalf of an owner;

- (k) “regulations” means the regulations made under this Act;
- (l) “sell” includes offer for sale, expose for sale, have in possession for sale, sell or distribute;
- (m) “veterinarian” means a veterinarian registered under *The Veterinarians Act*.

R.S.O. 1970,
c. 480

Live Stock
Medicines
Advisory
Committee

2.—(1) There shall be a committee to be known as The Live Stock Medicines Advisory Committee appointed by the Lieutenant Governor in Council and consisting of,

- (a) one member representing the Veterinary Services Branch of the Ministry of Agriculture and Food;
- (b) one member representing the Ministry of Health;
- (c) one member representing the Health Protection Branch of the Department of National Health and Welfare (Canada);
- (d) one member representing the Ontario College of Pharmacy;
- (e) one member representing the Ontario Veterinary Association;
- (f) one member representing the Ontario Division of The Canadian Feed Manufacturers Association;
- (g) one member representing The Ontario Fur Breeders Association, Incorporated;
- (h) one member representing poultry producers;
- (i) two members representing owners of live stock other than poultry; and
- (j) such other members as the Minister considers necessary or advisable.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall appoint from the persons appointed under subsection 1 a chairman and a vice-chairman of the Committee.

Remuner-
ation

(3) The members of the Committee, other than members employed in the public service of Ontario or Canada, may receive such remuneration and expenses as the Lieutenant Governor in Council determines.

(4) The Committee shall,

Functions

- (a) review all legislation and regulations pertaining to live stock medicines;
- (b) inquire into and report to the Minister on any matter referred to it by the Minister;
- (c) advise the Minister on matters relating to the control and regulation of live stock medicines;
- (d) evaluate and recommend,
 - (i) procedures relating to the sale of live stock medicines, and
 - (ii) proper standards for the maintenance, handling and storage of live stock medicines; and
- (e) make recommendations respecting,
 - (i) the designation of drugs or classes of drugs as live stock medicines, and
 - (ii) the designation of live stock medicines for sale under a licence or any class of licence.

3.—(1) The Minister may appoint a chief inspector who shall be a veterinarian and such other inspectors as he considers necessary to carry out and enforce this Act and the regulations. Inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature and authority of the Minister. Certificate of appointment

(3) Subject to subsections 6, 7, 8 and 9, an inspector may, at any reasonable time, enter any premises or conveyance of a person licensed under this Act and make an inspection to ensure that the provisions of this Act and the regulations are being complied with. Inspections

(4) Where an inspector has reasonable and probable grounds to believe that any person is selling live stock medicines to owners of live stock for the treatment of live stock without a licence under this Act and is not so authorized under any other Act, he may, subject to subsections 6, 7, 8 and 9 and at any reasonable time, enter any premises or con- Idem

veyance of such person to make an inspection for the purpose of determining whether or not the person is committing an offence under this Act.

Powers of
inspectors

(5) Upon an inspection under subsection 3 or 4, an inspector may,

- (a) require the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom of the person being inspected;
- (b) obtain and remove a sample of any substance for the purpose of analysis to determine whether or not it is a live stock medicine; or
- (c) seize, remove or detain at the risk and expense of the owner any live stock medicine where he believes on reasonable and probable grounds that,
 - (i) the licensee is contravening the provisions of this Act or the regulations relating to the live stock medicine, or
 - (ii) the person being inspected is not authorized under this Act or any other Act to sell live stock medicines to owners of live stock for the treatment of live stock.

Entry of
dwellings
R.S.O. 1970,
c. 450

(6) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant unless,

- (a) the occupant is licensed under this Act; and
- (b) he has reasonable grounds for believing that the occupant is using such part for the sale, maintenance, handling or storage of live stock medicines.

Production
of appoint-
ment

(7) An inspector in the course of his duties under this section shall, upon request, produce the certificate of his appointment.

Removal for
copying

(8) An inspector who requires the production or furnishing of books, records, documents or extracts therefrom, may, upon giving a receipt therefor, remove and detain them for the purpose of making, or causing to be made, one or more copies thereof, but such copies shall be made with reasonable despatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

(9) Any copy made under subsection 8, and certified by ^{Copy as evidence} the inspector to be a true copy is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

(10) No person shall hinder or obstruct an inspector in ^{Obstruction of inspector} the course of his duties or furnish him with false information or refuse to furnish him with information.

4.—(1) Notwithstanding *The Pharmacy Act*, a person ^{Licences R.S.O. 1970, c. 348} licensed under this Act may sell to owners of live stock for the treatment of live stock any live stock medicine designated in the regulations for the licence or class of licence held by such person.

(2) Any person who sells a live stock medicine to an owner ^{Offence} of live stock for the treatment of live stock without a licence under this Act is, unless authorized therefor by any other Act, guilty of an offence under this Act and on summary conviction is liable for a first offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

5.—(1) The Director shall issue a licence to sell live ^{Issuance of licences} stock medicines to owners of live stock for the treatment of live stock to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable ground for belief that the business will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 6, the Director shall renew a licence ^{Renewal of licences} on application therefor by the licensee in accordance with

this Act and the regulations and payment of the prescribed fee.

Refusal or
revocation

6.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that,

- (a) the premises, facilities and equipment used in the business do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened, or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of such business or the conditions for licensing, and such contravention warrants such refusal to renew, suspension or revocation of the licence;
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists; or
- (d) any ground for refusing to issue a licence under subsection 1 of section 5 exists.

Refusal or
suspension
pending
hearing

(2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of persons or live stock and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

Continuation
pending
renewal

(3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Opportunity
for
compliance

7.—(1) The notice of a hearing by the Director under section 5 or 6 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

8. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time, of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. Variation or rescission of decision by Director

9.—(1) A board to be known as The Live Stock Medicines Licence Review Board is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Ministry of Agriculture and Food. Live Stock Medicines Licence Review Board

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman and vice-chairman

(3) A majority of the members of the Board constitutes a quorum. Quorum

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

10.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board. Notice of appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should Hearing

be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Stay pending
appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

11.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
not to have
taken part
in investiga-
tion

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members at
hearing
to partici-
pate in
decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal to
Supreme
Court

12.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board. ^{Certification of record}

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board. ^{Powers of court on appeal}

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. ^{Stay on appeal}

13. Subject to subsection 2 of section 4, every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both. ^{Offence}

14. In any proceeding or prosecution under this Act, ^{Evidence}

- (a) where any container is labelled as containing a live stock medicine, it is admissible in evidence as *prima facie* proof that the container contains the live stock medicine described on the label; and
- (b) where any live stock medicine is found in a shop or place in which business is transacted, the live stock medicine is admissible in evidence as *prima facie* proof that it was kept for sale.

15. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) designating drugs or classes of drugs as live stock medicines for the purposes of this Act;
- (b) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
- (c) establishing classes of licences and designating the live stock medicines that may be sold under each class of licence;

- (d) prescribing the terms and conditions on which licences or any class thereof are issued;
- (e) prescribing grounds for refusal to renew, suspension or revocation of licences or any class thereof in addition to the grounds mentioned in section 6;
- (f) prescribing the terms and conditions under which live stock medicines shall be sold by persons licensed under this Act;
- (g) prescribing the facilities and equipment to be provided for the maintenance, handling and storage of live stock medicines by persons licensed under this Act;
- (h) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to the purchase and sale of live stock medicines;
- (i) prescribing forms and providing for their use;
- (j) governing advertising in respect of live stock medicines and the furnishing of information to the public by persons licensed under this Act;
- (k) governing the seizure, removal, detention and disposal of live stock medicines for the purposes of clause c of subsection 5 of section 3;
- (l) providing for the removal and disposal of live stock medicines in the possession of an applicant or licensee where a licence is refused, suspended or revoked;
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Moneys

16. The moneys required for the purposes of this Act shall, until the 31st day of March, 1974, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

**Commence-
ment**

17. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

18. This Act may be cited as *The Live Stock Medicines Act, 1973*.

CHAPTER 81

An Act to amend The Jurors Act

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 112, section 1, is further amended by adding thereto the following clause:

(ca) "Director of Assessment" means the Executive Director of the Assessment Division of the Ministry of Revenue.
2. Section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 112, section 2, is repealed and the following substituted therefor:

2. Subject to sections 3 and 5, every person who, Eligible jurors

(a) resides in Ontario;

(b) is a Canadian citizen or other British subject; and

(c) in the year preceding the year for which the jury is selected had attained the age of eighteen years or more and had not attained the age of sixty-nine years or more,

is eligible and liable to serve as a juror on grand and petit juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county in which he resides.
3. Paragraph 1 of subsection 1 of section 3 of the said Act is repealed. s. 3 (1),
par. 1,
repealed
4. Section 5 of the said Act is repealed and the following substituted therefor: s. 5,
re-enacted

Disqualifi-
cation

5. A person is disqualified from serving as a juror who,

- (a) is infirm, decrepit or afflicted with blindness, deafness or other physical infirmity incompatible with the discharge of the duties of a juror;
- (b) is not in the possession of his natural faculties; or
- (c) has been convicted of an indictable offence, unless he has subsequently been granted a pardon.

ss. 10-15,
re-enacted
ss. 16-35,
repealed

5. Sections 10 to 35 of the said Act are repealed and the following substituted therefor:

Annual
meeting
of county
selectors

10.—(1) The county selectors shall assemble at the office of the clerk of the peace at the court house on or before the 15th day of September in each year and shall by separate resolutions determine and declare for the ensuing year for the county,

- (a) the total number of jurors that will be required for sittings of the Supreme Court;
- (b) the total number of jurors that will be required for sittings of the inferior courts of criminal and civil jurisdiction;
- (c) the aggregate number of jurors that will be required for all sittings of such courts; and
- (d) the number of jurors that will be required for each sittings of,
 - (i) the Supreme Court,
 - (ii) the court of general sessions of the peace in the county, and
 - (iii) the county court in the county.

Trans-
mission of
resolutions

(2) The clerk of the peace shall forthwith upon the conclusion of the meeting held under subsection 1 certify and transmit,

- (a) to the Director of Assessment, a copy of the resolution declaring the aggregate number of jurors required for all courts in the county in the ensuing year;
- (b) to the office of the Registrar of the Supreme Court, a copy of the resolution for the number of jurors under subclause i of clause d of subsection 1; and

- (c) to the clerk of the county court in the county, copies of the resolutions for the number of jurors under subclauses ii and iii of clause *d* of subsection 1.

INITIAL SELECTION OF JURORS

11.—(1) The Director of Assessment shall in each year on or before the third Tuesday in October cause a jury service notice together with a return to the jury service notice, and a prepaid return envelope addressed to the sheriff of the county, to be mailed by first class mail to such number of persons in the county, selected in such manner as is provided in this section. Jury service notices

(2) The jury service notice and return to the jury service notice shall be in the form prescribed by the Lieutenant Governor in Council. Form of notice and return

(3) The jury service notice shall be mailed in accordance with subsection 1 to a number of persons that is four times the aggregate number of jurors declared to be required for the sittings of the courts in the county in the ensuing year under clause *c* of subsection 1 of section 10. Number of persons notified

(4) The persons to whom jury service notices are mailed under this section shall be selected by the Director of Assessment at random from persons who, from information obtained at the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*, Selection of persons notified

R.S.O. 1970,
c. 32

(a) at the time of the census, resided in the county and were Canadian citizens or other British subjects; and

(b) in the year preceding the year for which the jury is selected, are of or will attain the age of eighteen years or more and are not of and will not attain the age of sixty-nine years or more,

and in such a manner so as not to duplicate the selections in the two preceding years and the number of persons selected from each municipality in the county shall bear approximately the same proportion to the total number selected for the county as the total number of persons eligible for selection in the municipality bears to the total number eligible for selection in the county, as determined by such census.

(5) The jury service notice to a person under this section shall be mailed to him at the address shown for him in the Address for mailing

R.S.O. 1970,
c. 32

most recent census of the inhabitants of the county under section 23 of *The Assessment Act*.

When service
deemed made

(6) For the purposes of subsection 5, the notice shall be deemed to have been received on the third day after the day of mailing unless the person to whom the notice is mailed establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Return to
jury service
notice

(7) Every person to whom a jury service notice is mailed in accordance with this section shall accurately and truthfully complete the return and shall mail it to the sheriff of the county within five days after receipt thereof.

List of
notices given

(8) The Director of Assessment shall furnish to the sheriff of the county a list of persons in each municipality in the county arranged alphabetically to whom jury service notices were mailed under this section forthwith after such mailing and the list received by the sheriff purporting to be certified by the Director of Assessment is, without proof of the office or signature of the Director of Assessment, receivable in evidence in any action or proceeding as *prima facie* proof of the mailing of jury services notices to the persons shown on the list.

Indian
reserves

(9) In the selecting of persons for entry in the jurors' book in a county or district in which an Indian reserve is situate, the sheriff shall perform in respect of the reserve the duties the Director of Assessment would have under subsections 1, 2, 3, 4, 5 and 8 if the reserve were a municipality and, for the purpose, the sheriff may obtain the names of inhabitants of the reserve from any record available.

PREPARATION OF JURORS' BOOK

Sheriff to
prepare
jurors'
book

12. The sheriff shall in each year procure a book called the jurors' book, and shall keep it as nearly as may be in the form prescribed by the Lieutenant Governor in Council.

Entry of
names in
jurors'
book

13.—(1) On or before the 15th day of November in each year, the sheriff shall open the returns to jury service notices received by him and shall cause the name, address, age and occupation of each person making such a return, who is shown by the return not to be exempt or disqualified from jury service to be entered in the jurors' book in one roll in the numbers indicated by the county selectors under section 10.

Omission
of names

(2) The sheriff may, with the written approval of the local judge of the High Court, omit any name from the roll where it appears such person will be unable to attend for jury duty.

(3) If the number of names qualified for entry in the jurors' book, as determined from the returns to jury service notices, is fewer than three times the number required under clause c of subsection 1 of section 10, the sheriff shall request the Director of Assessment to mail such number of additional jury service notices and forms of returns to jury service notice as may be required to obtain the requisite additional number of names. ^{Supplementary names}

(4) Upon receipt of a request from the sheriff under subsection 3, the Director of Assessment shall forthwith carry out such request and for such purpose section 11 applies *mutatis mutandis* with respect to the number of additional jury service notices requested by the sheriff to be mailed as if it were the number specified in subsection 3 of section 11. ^{Supplying of supplementary names}

14. As soon as he has completed the jurors' book but not later than the 15th day of November in each year, the sheriff shall certify the roll to be the proper roll prepared as the law directs and shall deliver the jurors' book to the clerk of the peace, but the judge of the county court may extend the time for delivery for such reasons as he considers sufficient. ^{Delivery of book to clerk of peace}

15. The Chief Justice of the High Court may, upon application therefor by the sheriff of a county, extend any times prescribed by this Act in connection with the preparation of the jurors' book and jury list for the county to such date as he considers appropriate and may authorize the continued use of the latest jurors' book and list until the dates so fixed. ^{Extension of times}

6. Subsection 1 of section 36 of the said Act is amended by striking out "12th" in the third line and inserting in lieu thereof "15th" and by striking out "27" in the sixth line and inserting in lieu thereof "13". ^{s. 36 (1), amended}

7. Sections 37, 38, 39, 40, 41, 42 and 43, and section 44 as amended by the Statutes of Ontario, 1971, chapter 98, section 4 and 1972, chapter 112, section 4, of the said Act are repealed and the following substituted therefor: ^{ss. 37, 38, re-enacted ss. 39-44, repealed}

37.— (1) The county selectors shall then proceed to select from the jurors' roll the names of the requisite number of persons to serve as jurors in the following year, being those persons who, in the opinion of the selectors or of a majority of them, are, from the integrity of their character, the soundness of their judgment, and the extent of their information the most discreet and competent for the performance of the duties of jurors, and in making the selection the county selectors may, if they think fit, select a proportion of the names for the list from each local municipality. ^{Selection of jurors from jurors' roll}

Names
selected to
be inserted
in list

(2) The names of the persons so selected, alphabetically arranged, with their places of residence and additions, shall then be copied by the clerk of the peace into the jurors' book, and shall be numbered consecutively, and the clerk of the peace shall thereupon mark each of such names on the jurors' roll as transferred to the jury list by a reference to the number belonging to it on that list.

List so made
to be the
jury list

(3) The list of names so selected and transferred is the jury list for the year next after that in which it has been so prepared.

Number to
be selected
for jury
list

(4) The number to be selected from the jurors' roll for the jury list shall be the number of jurors that the county selectors have determined to be requisite as the panels for the year, with one-fourth the number thereof added thereto.

The chair-
man and
clerk of the
peace to
certify
books

(5) As soon as the jury list has been so prepared, the chairman and the clerk of the peace shall certify under their hands in the jurors' book, immediately after such jury list, that it was prepared from the proper roll, as the law directs, and the date of its preparation, and the jurors' book, with the jury list so certified, shall then be filed in the office of the clerk of the peace.

DISTRICT SELECTIONS

District
selectors

38.—(1) In a provisional judicial district where there are two judges of the district court, the judges and the sheriff, and where there is but one judge, the judge, the clerk of the district court and the sheriff, any two of whom are a quorum, are the district selectors of jurors.

To have
powers and
duties of
county
selectors

(2) Except as herein otherwise provided, the district selectors of jurors and Director of Assessment shall perform the like duties and possess the like powers as county selectors and the Director of Assessment do in respect of a county and the sheriff and clerk of the peace of the district shall respectively perform the like duties and possess the like powers with respect to the selection, empanelling and summoning of jurors and otherwise as the sheriff and clerk of the peace of a county.

Number of
grand and
petit jurors
to be
returned

(3) After the district selectors at the meeting to be held as provided in section 10 have determined and declared the number of grand and petit jurors respectively that will be required as jury panels for service at the courts during the ensuing year, they shall by resolution fix the total number of grand and petit jurors for the Supreme Court, and for the inferior courts, that shall be selected from municipalities, and the total number that shall be selected from territory without municipal organization.

(4) Section 11 applies in respect of the selection of persons to whom jury service notices shall be mailed in the parts of the district having municipal organization and to the sending of jury service notices and making of jury service notice returns, and for the purposes of subsections 3 and 4 of section 11, all the municipalities in the district shall together be treated in the same manner as a county from which the number of jurors required by the county selectors is the number fixed by the district selectors under subsection 3 of this section to be selected from municipalities. Application of s. 11 to municipalities

(5) The sheriff shall make up a roll of jurors from territory without municipal organization in the numbers fixed by the district selectors under subsection 3 and for the purpose may have recourse to the latest polling list prepared and certified for such territory, and to any assessment or collector's roll prepared for school purposes and may obtain names from any other record available. Selection from un-organized territory

(6) The sheriff may, with the written approval of the local judge of the High Court, omit any name from the roll where it appears he will be unable to attend for jury duty. Omission of names

8. The said Act is amended by adding thereto the following section: s. 49a. enacted

49a. The local judge of the High Court may excuse any juror summoned for a jury sittings from attending where it appears the juror will be unable to attend. Excusing of juror

9. Section 68 of the said Act is amended by striking out "grand or petit jurors' rolls" in the third line and inserting in lieu thereof "jurors' list". s. 68, amended

10. Sections 76 and 77 of the said Act are repealed and the following substituted therefor: ss. 76, 77. re-enacted

76. Immediately after the sittings of the Supreme Court and of the court of general sessions of the peace, and of the county court, the sheriff shall note on the jury list from which the panel of jurors returned to the sittings was drafted opposite the names of the jurors, the non-attendance or default of every juror who has not attended until discharged by the court. The sheriff to note on lists names of jurors who do not serve

77. If a person not qualified is drawn as a juror for the trial of an issue in any matter or proceeding, the want of qualification is a good cause of challenge. Lack of qualification

11. Section 81 of the said Act is amended by adding thereto the following subsection: s. 81, amended

Panel
deemed
properly
selected

(2) Subject to sections 77 and 79, a jury panel returned by the sheriff for the purposes of this Act shall be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding.

s. 83 (c),
amended

12. Clause *c* of section 83 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 9, section 5, is amended by striking out “local and” in the first line.

s. 88,
repealed

13. Section 88 of the said Act is repealed.

s. 94,
amended

14. Section 94 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Every person who is required to complete a return to a jury service notice and who,

(a) fails to complete the return and mail it to the sheriff as required by subsection 7 of section 11; or

(b) knowingly gives false or misleading information in the return,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Scheds. A, B,
repealed

15. Schedules A and B to the said Act are repealed.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. This Act may be cited as *The Jurors Amendment Act, 1973*.

CHAPTER 82

**An Act to amend
The Extra-Judicial Services Act**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Extra-Judicial Services Act*, being chapter 155 of the Revised Statutes of Ontario, 1970, is amended by renumbering section 1 as section 1*a* and by adding thereto the following section:

1. In this Act, "judge" means a judge of a court in Ontario, to whom the *Judges Act* (Canada) applies.

Act,
amended

Interpre-
tation
R.S.C. 1970,
c. J-1
2. Section 1*a* of the said Act, as renumbered by section 1 and amended by the Statutes of Ontario, 1971 (2nd Session), chapter 15, section 1, is further amended by striking out "of the Supreme Court" in the first line.

s. 1*a*,
amended
3. Subsection 1 of section 2 of the said Act is repealed.

s. 2 (1),
repealed
4. This Act shall be deemed to have come into force on the 1st day of April, 1973.

Commence-
ment
5. This Act may be cited as *The Extra-Judicial Services Amendment Act, 1973*.

Short title

CHAPTER 83

An Act to amend The Municipal Act

*Assented to June 22nd, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 27a, 27b, enacted

27a.—(1) Notwithstanding section 27, the council of a county may provide that the council of the county shall be composed of the reeves of the towns, not being separated towns, and of the villages and townships in the county together with the deputy reeves of such towns, villages and townships where they have 2,500 or more municipal electors. Alternative composition of county council

(2) Where provision for composition of the council is made under subsection 1, subsection 2 of section 27 does not apply and where a town, not being a separated town, or a village or a township in a county, has more than 5,000 and not more than 7,500 municipal electors, the reeve as a member of the county council has an additional vote and, where it has more than 7,500 municipal electors, the reeve and the deputy reeve as members of the county council each has an additional vote. Vote of reeve and deputy reeve in towns, villages and townships

(3) Subsections 2, 3 and 4 of section 34 apply to this section. Application of s. 34 (2-4)

27b.—(1) Notwithstanding section 27, the council of a county may provide that the council of the county shall be composed of only the reeves of the towns, not being separated towns, and of the villages and townships in the county. Alternative composition of county council

(2) Where provision for composition of the council is made under subsection 1, subsection 2 of section 27 does not apply, and where a town, not being a separated town, or a village or a township in a county, has more than 1,000 and not more than 2,000 municipal electors, the reeve as a member of the Vote of reeve in towns, villages and townships

county council has an additional vote, where it has more than 2,000 and not more than 3,000 municipal electors he has two additional votes, and where it has more than 3,000 municipal electors he has three additional votes.

Application
of s. 34 (2-4)

(3) Subsections 2, 3 and 4 of section 34 apply to this section.

s. 36 (1),
par. 1,
amended

2. Paragraph 1 of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1, is amended by adding at the end thereof "and a commissioner, superintendent or overseer of any work, whose appointment is authorized under section 393".

s. 293 (3), (c),
re-enacted

3. Clause *c* of subsection 3 of section 293 of the said Act is repealed and the following substituted therefor:

(c) under *The Local Improvement Act, The Drainage Act or The Tile Drainage Act, 1971*; or

R.S.O. 1970,
cc. 255, 136
1971, c. 37

s. 304 (1),
amended

- 4.—(1) Subsection 1 of section 304 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 81, section 1, is amended by striking out "\$25" in the tenth line and inserting in lieu thereof "\$50".

s. 304 (1b),
repealed
s. 304 (2-4),
re-enacted

- (2) Subsection 1b as enacted by the Statutes of Ontario, 1971, chapter 81, section 1, subsection 2 as amended by the Statutes of Ontario, 1971, chapter 81, section 1, and subsections 3 and 4 of the said section 304 are repealed and the following substituted therefor:

Annual levy
on
correctional
institutions

(2) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a correctional institution designated by the Lieutenant Governor in Council, may pass by-laws to levy an annual amount payable on or after the 1st day of July, upon such institution, not exceeding the sum of \$50 a year for each resident place in such institution as determined by the Minister of Correctional Services.

Annual levy
on public
hospitals,
etc.

(3) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a public hospital or provincial mental health facility designated by the Lieutenant Governor in Council may pass by-laws to levy an annual amount payable on or after the 1st day of July upon such institution, not exceeding the sum of \$50 a year for each provincially rated bed in such public hospital or provincial mental health facility as determined by the Minister of Health.

(4) The total amount levied under this section in any year shall not exceed one-quarter of the total amount of taxes levied on all real property and business assessment in that municipality for all purposes other than school purposes in the preceding year.

Limitation
on amount
of levy

(5) A municipality in which a public hospital or correctional institution is situate may enter into an agreement with one or more municipalities for the provision of any municipal service to the hospital or correctional institution.

Agreements
for municipal
services
authorized

(6) The Minister may direct a municipality in which a public hospital or correctional institution is situate to enter into an agreement with another municipality for the provision to the hospital or correctional institution of such municipal service or services as the Minister specifies in his direction.

Minister
may direct
agreement
be entered
into

(7) Where the Minister has directed that an agreement be entered into under subsection 6 and the municipalities fail to reach agreement within sixty days after the Minister's direction, either of such municipalities or the Minister may apply to the Municipal Board and the Board shall settle the terms and conditions of such agreement.

Application
to OMB

(8) Where a municipality has entered into an agreement under subsection 5 or 6, the Province may terminate any agreement between the Province and such municipality for the provision of any service or services to a hospital or correctional institution.

Termination
of existing
agreements

(9) The assessment of a municipality that levies under this section shall be deemed for apportionment purposes, other than school purposes and other than for the apportionment between "merged areas", to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate applicable to the major portion of residential and farm property assessment in the preceding year, for all purposes other than school purposes.

Municipal
assessment
deemed
increased

(10) For the purposes of subsection 9 "merged area" means, where a municipality referred to in subsection 9 is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality.

Interpre-
tation

(11) The clerk of every local municipality that levies under this section shall forthwith transmit, to each body for which the local municipality levies a rate, except a school

Notification
of amount
of assess-
ment increase

board, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 9.

Allocation
of levy

(12) The council of a municipality that levies under this section may, in the year 1973, and thereafter in each year shall, allocate a portion of the amount levied to each of the bodies for which the municipality levies a rate, other than a school board, in the proportion that the taxes levied in the preceding year on residential and farm property for each such body bears to the total taxes levied in the preceding year on residential and farm property for all purposes other than school purposes.

Reduction
for purposes
of levy
under s. 302
and under
R.S.O. 1970,
c. 405, s. 7

(13) Where a municipality allocates an amount under subsection 12 such amount shall be deducted from the requisition of each such body and the net amount shall be the amount included in the levy of the municipality for purposes of section 302 of this Act and section 7 of *The Regional Municipal Grants Act*.

s. 304a (2-4),
re-enacted

5. Subsections 2, 3 and 4 of section 304a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 6, are repealed and the following substituted therefor:

Apportion-
ment of gross
receipts

(2) In determining the amount of the gross receipts of a telephone company in each local municipality under subsection 1, a telephone company shall apportion the total gross receipts of the company in all such municipalities to each municipality in the proportion that the number of telephones connected to the company's system in each municipality bears to the total number of telephones connected to the company's system in all such municipalities as of the 31st day of December of the year in respect of which the statement is transmitted.

What
constitutes
gross
receipts

(3) For the purposes of subsection 1, gross receipts of a telephone company shall be the total of regularly recurring revenue arising from telephones and other equipment and shall include revenue from long distance calls.

Rate of tax

(4) The council of every local municipality shall levy on each company from which a statement is received under subsection 1, at the same time as a levy is made under section 302 of this Act or under section 7 of *The Regional Municipal Grants Act*, an annual tax of an amount equal to 5 per cent of the total of the gross receipts of such company as shown on the statement provided under subsection 1.

R.S.O. 1970,
c. 405

Idem

(5) Notwithstanding subsection 4, where there are less than 2,000 telephones connected to a company's system

the annual tax referred to in subsection 4 shall be 3 per cent in 1973, 4 per cent in 1974 and 5 per cent in 1975 and each year thereafter.

(6) Section 303 of this Act applies *mutatis mutandis* to an annual tax levied under this section. Levy before estimates adopted

(7) Any tax levied under this section is collectable in the same manner as municipal taxes are collectable and is a special lien under section 511 on all of the lands of the company in the municipality. How tax collectable

(8) The assessment of a municipality that levies a tax under this section shall be deemed for apportionment purposes, other than separate school purposes, and other than for apportionment between "merged areas", to be increased by an amount that would have produced the amount of the tax levied under this section by the taxation of real property at the rate applicable to the major portion of commercial and industrial property assessment in the preceding year for all purposes. Municipal assessment deemed increased

(9) For the purposes of subsection 8 "merged area" means, where a municipality referred to in subsection 8 is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality. Interpretation

(10) The clerk of every local municipality that levies a tax under this section shall transmit within fourteen days of receipt of the statement referred to in subsection 1 to each body for which the local municipality levies a rate, except a separate school board, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8. Notification of amount of assessment increase

(11) The council of the municipality may, in the year 1973, and thereafter in each year shall, allocate a portion of the tax levied under subsection 4 to each of the bodies for which the municipality levies a rate, other than a separate school board, in the proportion that the taxes levied in the preceding year on commercial and industrial property for each such body bears to the total taxes levied in the preceding year on commercial and industrial property for all purposes other than separate school purposes. Allocation of tax

(12) The amount allocated to each body under subsection 11 shall be deducted from the requisition of each such body making an apportionment to the municipality and the net amount shall be the amount included in the levy of the Reduction for purposes of levy under s. 302 and under R.S.O. 1970, c. 405, s. 7

- R.S.O. 1970,
c. 405
- municipality for purposes of section 302 of this Act and section 7 of *The Regional Municipal Grants Act*.
- s. 352,
amended
6. Section 352 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 2, and 1972, chapter 124, section 9, is further amended by adding thereto the following paragraph:
- Provision
of municipal
services to
Indian band
reserves
- 7a. For entering into agreement with an Indian band for the provision of any municipal service within the limits of the reserve occupied by the band upon such terms as may be agreed.
- s. 362a,
enacted
7. The said Act is further amended by adding thereto the following section:
- Sewer and
water
connections
- 362a.—(1) Councils of local municipalities may pass by-laws requiring owners of buildings or any class or classes of buildings in the municipality or in any defined area thereof to connect the said buildings or class or classes of buildings to the sewage works or water works of the municipality.
- May be
installed by
municipality
- (2) If the owner of a building affected by a by-law passed under this section fails to make a connection required by the by-law within nine months after the municipality has sent notice to him by registered mail to his last known address requiring the connection to be made, the municipality may make the connection at the expense of the owner, and for this purpose may enter in and upon the property of the owner.
- Recovery of
cost
- (3) A notice sent under subsection 2 shall advise the owner that if he fails to make the connection as required, the municipality has the right to make it at his expense and to recover the expense by action or in like manner as municipal taxes.
- Extension of
time
- (4) Upon the application of the owner, the council may grant an extension of not more than two years from the end of the nine-month period provided for in subsection 2 within which the connection is to be made, provided that not more than two extensions may be granted in respect of any building.
- Loans
- (5) A by-law passed under this section may provide for the making of loans by the municipality to owners to whom a notice has been sent under subsection 2 to pay for the whole or any part of the cost of making a connection required by the by-law, which loans may be made on such terms and conditions as the council may prescribe.

(6) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made. Loan a lien on land

(7) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. Certificate

8. Section 394 of the said Act is repealed and the following substituted therefor: s. 394, re-enacted

394. Notwithstanding the provisions of any general or special Act, the council of any municipality may expend in any year such sum as it may determine for, Expenses for entertaining guests and travelling on civic business

- (a) the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance; and
- (b) the travelling and other expenses of the members of council and of the officers and servants of the municipality while travelling outside the municipality in their capacity as councillors, officers or servants.

9. Subsection 3 of section 443 of the said Act is repealed and the following substituted therefor: s. 443 (3), re-enacted

(3) A by-law passed under clause *b* of subsection 1 for altering or diverting any highway or part of a highway or under clause *c* or *d* of subsection 1 in respect of an allowance for road reserved in the original survey, Approval of Minister to by-law

- (a) along the bank of any river, stream or other water;
- (b) along or on the shore of any lake or other water;

(c) leading to the bank of any river or stream; or

(d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Minister, and, where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Minister until such approval or confirmation has been obtained, provided that the approval of the Minister is not required for a by-law for leasing a stopped-up highway or part of a highway to an owner of land that abuts on it for a period not in excess of thirty years.

s. 461,
amended

10. Section 461 of the said Act is amended by adding thereto the following subsection:

Moneys to
be paid
into
special
account

(4) All moneys received by the municipality from the selling or leasing of a stopped-up highway or part of a highway, the stopping-up of which is subject to the approval of the Minister under subsection 3 of section 443, less any amount expended by the municipality out of its general funds for the purpose of stopping-up and selling or leasing the highway or part thereof, shall be paid into a special account and the provisions of subsection 11 of section 33 of *The Planning Act* apply to such account and the moneys therein.

R.S.O. 1970,
c. 349

s. 516 (2d),
re-enacted

11.—(1) Subsection 2d of section 516 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is repealed and the following substituted therefor:

Application
form

(2d) Every person applying under this section for an alteration of his school support as shown on the list shall either personally or by his authorized agent sign an application in the prescribed form in which all of the information required by the form shall be sufficiently filled in, either by the applicant or his authorized agent or by the clerk at the request of the applicant or of his authorized agent and, before correcting the list, the clerk shall satisfy himself that the applicant or his authorized agent, as the case may be, understands the effect of the statements in the application and that he is entitled to have the list corrected pursuant to his request.

s. 516 (2m),
re-enacted

(2) Subsection 2m of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is repealed and the following substituted therefor:

Census
taken early
R.S.O. 1970,
c. 32

(2m) Where the census is taken under section 23a of *The Assessment Act* in any local municipality, for the purposes of this section, the assessment commissioner shall supply to the

clerk of such local municipality a list for school support purposes and such list shall be deemed to be the list required by section 23 of the said Act, and shall be subject to revision at the same time as lists prepared under such section 23, and the provisions of subsections 2a to 2l apply *mutatis mutandis*.

12. Form 20 of the said Act is repealed and the following substituted therefor: Form 20
re-enacted

FORM 20

(Section 235 (1))

I,.....,
do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of..... to which I have been elected in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office, and that I will disclose any pecuniary interest, direct or indirect as required by and in accordance with *The Municipal Conflict of Interest Act, 1972*, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

13. This Act comes into force on the day it receives Royal Assent. Commence-
ment

14. This Act may be cited as *The Municipal Amendment Act, 1973*. Short title

CHAPTER 84

**An Act respecting
Development Corporations in Ontario**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “board” means the Board of Directors of Ontario Development Corporation, the Northern Ontario Development Corporation or the Eastern Ontario Development Corporation;
- (b) “corporation” means the Ontario Development Corporation, Northern Ontario Development Corporation or Eastern Ontario Development Corporation;
- (c) “Eastern Ontario” means the counties of Hastings, Prince Edward, Renfrew, Lennox and Addington, Frontenac, Lanark, Leeds, Grenville, Russell, Dundas, Stormont, Prescott and Glengarry and The Regional Municipality of Ottawa-Carleton;
- (d) “industry” includes any trade or other business undertaking of any kind, and “industrial” has a corresponding meaning;
- (e) “Minister” means the Minister of Industry and Tourism or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (f) “Northern Ontario” means the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timiskaming, Kenora, Rainy River and Thunder Bay.

(2) The Lieutenant Governor in Council may designate such areas in addition to those described in clauses *c* and *f* of subsection 1 as he considers advisable.

Designation
of areas

Ontario
Development
Corporation
continued

2.—(1) The Corporation known as the Ontario Development Corporation is continued, consisting of not more than thirteen directors appointed by the Lieutenant Governor in Council of whom four shall be appointed from the Board of Directors of Eastern Ontario Development Corporation and four shall be appointed from the Board of Directors of Northern Ontario Development Corporation.

Share
capital

(2) The capital of the Ontario Development Corporation is \$7,000,000 divided into 7,000 shares, each having a par value of \$1,000.

Northern
Ontario
Development
Corporation
continued

3. The Corporation known as the Northern Ontario Development Corporation is continued as a corporation without share capital consisting of not fewer than five and not more than thirteen directors appointed by the Lieutenant Governor in Council.

Eastern
Ontario
Development
Corporation
established

4. There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Eastern Ontario Development Corporation consisting of not fewer than five and not more than thirteen directors appointed by the Lieutenant Governor in Council.

Creation of
other
corporations

5. The Lieutenant Governor in Council may by regulation constitute corporations with such powers and duties as are considered conducive to the attainment of the objects of the corporation and provide for its constitution and management.

Jurisdiction

6.—(1) The Northern Ontario Development Corporation shall carry out the objects of the Corporation in Northern Ontario.

Idem

(2) The Eastern Ontario Development Corporation shall carry out the objects of the Corporation in Eastern Ontario.

Idem

(3) The Ontario Development Corporation shall carry out the objects of the Corporation in Ontario.

Seal

7.—(1) Each corporation shall have a seal, which shall be adopted by a resolution or by-law of the corporation.

Fiscal year

(2) The fiscal year of each corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

R.S.O. 1970,
cc. 53, 89,
do not apply

(3) *The Business Corporations Act* does not apply to the Ontario Development Corporation and *The Corporations Act* does not apply to the Eastern Ontario Development Corporation or the Northern Ontario Development Corporation.

8. The Lieutenant Governor in Council shall appoint a person to whom *The Public Service Act* applies to be the managing director and chief executive of the Ontario Development Corporation.

Managing
director
R.S.O. 1970,
c. 386

9.—(1) The directors for the time being of each corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board.

Board of
Directors

(2) Each corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Remuner-
ation

(3) A quorum of directors for each board shall be such number of directors as the board may designate by by-law.

Quorum

(4) The board of each corporation may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the corporation.

By-laws

(5) The affairs of each corporation are under the management and control of its board for the time being, and a chairman shall preside at all meetings of the board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Management

10. All rights of the Minister or Her Majesty in right of Ontario under any agreement heretofore entered into by the Minister under *The Economic Development Loans Guarantee Act, 1962-63*, are vested in the Ontario Development Corporation.

Rights of
Minister
under
agreements
to be rights of
Ontario
Development
Corporation
1962-63, c. 40

11. The objects of the corporations are to encourage and assist in the development and diversification of industry in Ontario, including, without limiting the generality of the foregoing,

Objects

- (a) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;
- (b) the provision of sites, equipment, premises, facilities and services; and
- (c) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance.

Powers of
corporations

12.—(1) Notwithstanding any other Act, each corporation for the objects set out in section 8 possesses power to,

- (a) lend money to a person carrying on any industrial undertaking in Ontario where in the opinion of the board the funds in the circumstances are not available elsewhere on reasonable terms;
- (b) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender approved by the corporation to a person carrying on any industrial undertaking in Ontario where in the opinion of the board the funds in the circumstances are not available elsewhere on reasonable terms;
- (c) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity approved under section 5 of *The Ministry of Industry and Tourism Act* and forgive repayment of the loan in whole or in part;
- (d) take security by way of mortgage, charge, hypothecation or assignment of or on any real or personal property or otherwise;
- (e) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;
- (f) buy, acquire, accept, and hold, exchange, transfer, assign, sell, dispose of or deal in, either absolutely or by way of security or otherwise, all kinds of bills, notes, negotiable instruments, commercial paper, conditional sale agreements, lien notes, hire purchase agreements, chattel mortgages, bills of lading, bills of sale, warehouse receipts, guarantees, choses in action or instruments of assignment, conveyance, mortgage, pledge, charge or hypothecation, and shares, stocks, bonds, debentures, debenture stocks, securities, obligations, agreements and evidences of debt;
- (g) do all things that are incidental or conducive to the attainment of the objects of the corporation.

R.S.O. 1970,
c. 123

(2) The powers conferred by clause *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of a corporation conferred by clauses *a* and *b* of subsection 1.

Approvals by
Lieutenant
Governor in
Council

(3) In respect of loans made by Northern Ontario Development Corporation or Eastern Ontario Development Corporation under clause *a* or *c* of subsection 1, the Ontario Development Corporation shall be deemed to be the creditor.

O.D.C.
deemed
creditor

(4) Where the approval of an area of equalization of industrial opportunity is rescinded, a corporation may proceed to exercise its power under clause *c* of subsection 1 in respect of any person whose application has been accepted before the rescission.

Application
of rescission

(5) Every guarantee executed under the seal of a corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Validity of
guarantee

13.—(1) In this section,

Interpre-
tation

- (a) “building repairs” means repairs to a building or structure required by reason of damage to the building or structure caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or other body of water caused by the elements;
- (b) “owner” includes any person holding a licence, concession or contract under which there had been acquired from the Crown any right to be exercised in respect of, or over, or upon lands;
- (c) “works” means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

(2) The Northern Ontario Development Corporation may lend money to an owner of land in any territory without municipal organization for the purposes of constructing

N.O.D.C. may
lend for works
or building
repairs

works or building repairs on such terms and conditions as may in writing be agreed upon between the owner and Northern Ontario Development Corporation.

Where works
or repairs on
Crown land

(3) Where money is borrowed to construct works or make building repairs on Crown lands, it shall be deemed to be borrowed in respect of the land or interest of the owner who borrowed the money.

Moneys
repayable
deemed tax

R.S.O. 1970,
c. 370

(4) The money from time to time repayable under the terms of any agreement made under subsection 2 shall be deemed to be tax under *The Provincial Land Tax Act*, and the provisions of that Act as to the collection and recovery of taxes and the proceedings that may be taken in default thereof apply but such money shall not be deemed to be tax for the purpose of any other Act.

Borrowing
powers

14.—(1) Subject to the approval of the Lieutenant Governor in Council, a corporation may from time to time borrow or raise by way of loan such sums of money as the corporation considers requisite for any of the purposes of the corporation in any one or more, or partly in one and partly in another, of the following ways,

(a) by issue and sale of debentures, bills or notes of the corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the corporation may determine; and

(b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the corporation may determine.

Purposes of
corporations

(2) The purposes of each corporation, without limiting the generality thereof, include,

(a) the carrying out of the objects of the corporation mentioned in section 11;

(b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the corporation;

(c) the repayment in whole or in part of any advances made by the Province of Ontario to the corporation or of any

securities of the corporation issued and delivered to the Treasurer of Ontario in respect of any advances; and

- (d) the payment of the whole or any part of any obligation, liability or indebtedness of the corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, each corporation may sell any debentures, bills or notes of the corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security.

Sale, etc., of corporations' securities

(4) A recital or declaration in any resolution or minute of a corporation authorizing the issue and sale of debentures, bills or notes of the corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the corporation in the amount authorized is conclusive evidence to that effect.

Authorization

(5) Debentures, bills or notes of a corporation shall be sealed with the seal of the corporation and may be signed by the chairman or vice-chairman of the corporation and by the secretary or other officer of the corporation, and any interest coupon that may be attached to any debenture, bill or note of the corporation may be signed by the secretary or other officer of the corporation.

Sealing, signing, etc.

(6) The seals of the corporations may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seals of the corporations when so reproduced have the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the appropriate corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Mechanical reproduction of seal and signature authorized

15. Any debenture, bill or note of a corporation may be made redeemable in advance of maturity at such time or times at such price or prices and on such terms and conditions as the corporation may determine at the time of the issue thereof.

Securities of corporation redeemable in advance

16. Where a debenture, bill or note of a corporation is defaced, lost or destroyed, the board of the corporation may provide for its replacement on such terms and conditions as to evidence and as to indemnity as the board may require.

Lost debentures

Guarantee
of payment
by Ontario

17.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of Ontario of any debentures, bills or notes issued by or of any temporary loan made to a corporation under the authority of this Act.

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity
of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to a corporation, payment whereof is guaranteed by Ontario under this section, is valid and binding upon the corporation and its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question upon any ground whatsoever.

Debentures
lawful
trustee
investments

18. Notwithstanding anything in any other Act, debentures issued by a corporation are at all times a lawful investment for municipal, school and trust funds.

Sale of
corporations'
securities
and of
O.D.C.'s
shares to
Ontario and
provincial
advances to
corporations
authorized

19.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

(a) to purchase shares of the Ontario Development Corporation from time to time for an amount equal to their par value;

(b) to purchase any debentures, bills or notes of a corporation; and

(c) to make advances to a corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council considers expedient.

Idem

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Redemption
of O.D.C.
shares

(3) The Ontario Development Corporation, with the approval of the Lieutenant Governor in Council, may redeem its own shares from time to time.

Investment
of surplus
moneys

20. A corporation may temporarily invest any surplus moneys not immediately required for the objects of the corporation in,

- (a) securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada;
- (b) guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*; R.S.O. 1970, c. 254
- (c) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies. R.S.C. 1970, c. B-1

21.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are considered necessary for the proper conduct of the business of the corporations. Officers and employees
R.S.O. 1970, c. 386

(2) Each corporation may engage persons other than those appointed under subsection 1 to provide professional, technical or other assistance to or on behalf of the corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons. Professional and other assistance

22.—(1) The moneys required for the purpose of defraying the administrative expenses of the corporations shall be paid out of the moneys appropriated by the Legislature for the purpose. Moneys for administration

(2) The moneys required for the purposes of clauses *b* and *c* of subsection 1 of section 12 shall be paid out of the moneys appropriated therefor by the Legislature. Forgivable loans and guarantees
Provincial expenses

(3) The moneys required for the purpose of defraying the administrative expenses of Eastern Ontario Development Corporation shall, during the fiscal year 1973-74, be paid out of the moneys appropriated by the Legislature for the purposes of the Ontario Development Corporation. E.O.D.C. administration expenses

23. No member, officer or employee of a corporation, or other person acting on behalf of the corporation, is personally liable for anything done or omitted in good faith in the exercise or purported exercise of the powers conferred by this Act. Limitation of liability

24. The accounts and financial transactions of each corporation shall be audited annually by the Provincial Auditor, and reports of the audit shall be made to the corporation and to the Minister. Audit

Annual
report

25.—(1) The corporations shall make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 12, setting out the amounts and the terms of the loans and the guarantees together with the names and the addresses of the persons to whom the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other
reports

(2) The corporations shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require.

R.S.O. 1970,
c. 278
does not
apply

26. *The Mortgage Brokers Act* does not apply to a corporation.

Repeals

27.—(1) *The Ontario Development Corporation Act*, being chapter 308 of the Revised Statutes of Ontario, 1970 and *The Ontario Development Corporation Amendment Act, 1972*, being chapter 68, are repealed.

Repeals

(2) *The Northern Ontario Development Corporation Act*, being chapter 299 of the Revised Statutes of Ontario, 1970 and *The Northern Ontario Development Corporation Amendment Act, 1972*, being chapter 69, are repealed.

Commence-
ment

28. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

29. This Act may be cited as *The Development Corporations Act, 1973*.

CHAPTER 85

An Act to amend The Public Service Act

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Service Act*, being chapter 386 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

31. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings and decisions under this Act or the regulations.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Public Service Amendment Act, 1973*.

s. 31,
enacted

1971, c. 47,
not to apply

Commence-
ment

Short title

CHAPTER 86

**An Act to amend The Ministry of
Colleges and Universities Act, 1971**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Ministry of Colleges and Universities Act, 1971*, ^{s. 5, amended} being chapter 66, is amended by adding thereto the following subsection:

(2) The Minister may determine the amount of any capital ^{Public libraries} expenditure of a municipality, including a district, metropolitan or regional municipality, for public library purposes that may be financed through The Ontario Universities Capital Aid Corporation, and debentures issued for public library purposes may be purchased from such a municipality by the Corporation only on the recommendation of the Minister.

2. Section 6c of the said Act, as enacted by the Statutes of Ontario, ^{s. 6c, amended} 1972, chapter 114, section 3, is amended by adding thereto the following clause:

(g) authorizing the Deputy Minister of Colleges and Universities or any officer of the Ministry to exercise the power to approve loans under section 6d.

3. The said Act is amended by adding thereto the following section: ^{s. 6d, enacted}

6d.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan and the interest thereon made by a chartered bank to which the *Bank Act* (Canada) applies, ^{Guarantee of bank loans} to a student of a university, college of applied arts and technology or other post-secondary institution in Ontario where, ^{R.S.C. 1970, c. B-1}

- (a) the loan is made to such student pursuant to an application made by the student in the form prescribed by the regulations; and

- (b) the loan is approved by the Minister or by a person authorized for such purpose by the regulations.

Form of
guarantee

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan and interest thereon guaranteed according to the terms of the guarantee, and any guarantee so signed is evidence that the terms of this section have been complied with.

Payment of
guarantee

(3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ministry of Colleges and Universities Amendment Act, 1973*.

CHAPTER 87

An Act respecting Wilfrid Laurier University

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

1.—(1) The body corporate known as “Waterloo Lutheran University” is hereby continued under the name of “Waterloo Lutheran Seminary” and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now holds, possesses or enjoys, and all by-laws, orders and regulations of Waterloo Lutheran University in force on the day this Act comes into force shall continue in force until amended or repealed by the Board of Governors or the Senate, as the case may be, of Waterloo Lutheran Seminary, but no such by-law, order or regulation shall apply to Wilfrid Laurier University.

(2) Waterloo Lutheran Seminary shall not possess the power of conferring degrees, except in theology, and its power of conferring degrees in theology is suspended and in abeyance during the period in which Waterloo Lutheran Seminary is federated with Wilfrid Laurier University.

(3) Where, before the passing of this Act, the name “Waterloo College” or “Waterloo University College” was used by Evangelical Lutheran Seminary of Canada or by Waterloo Lutheran University, such name shall for all purposes be taken to mean Wilfrid Laurier University.

(4) Where, before the passing of this Act, the name “Waterloo Seminary” or “Waterloo Lutheran Seminary” was used by Evangelical Lutheran Seminary of Canada or Waterloo Lutheran University, such name shall for all purposes be taken to mean Waterloo Lutheran Seminary continued under this Act.

Lands vested
in Waterloo
Lutheran
Seminary
and the
University

(5) The lands and premises more particularly described and set forth in the Schedule hereto are vested in Waterloo Lutheran Seminary and all other lands and premises vested in Waterloo Lutheran University on the 31st day of October, 1973, are vested in Wilfrid Laurier University on the 1st day of November, 1973.

PART II

Interpre-
tation

2.—(1) In this Part,

- (a) “administrative staff” means the employees of the University and any federated or affiliated college, but does not include persons who are members of faculty;
- (b) “affiliated college” means a college affiliated with the University either directly or through a federated college;
- (c) “alumni” means the former students of Evangelical Lutheran Seminary of Canada, Waterloo College, Waterloo University College, Waterloo Lutheran Seminary, Waterloo Seminary, Waterloo Lutheran University and the University;
- (d) “alumni association” means such organization of alumni as is from time to time recognized as such by the Board of Governors;
- (e) “Board of Governors” means the Board of Governors of the University;
- (f) “Chancellor” means the Chancellor of the University;
- (g) “faculty” means any academic division of the University either so designated by the Board of Governors or determined by the Board of Governors as having status comparable to that of a faculty but being otherwise designated;
- (h) “federated college” means a college federated with the University and includes Waterloo Lutheran Seminary;
- (i) “graduates” means graduates of the University and includes persons who have completed courses of instruction at Evangelical Lutheran Seminary of Canada, Waterloo College, Waterloo University College, Waterloo Lutheran Seminary, Waterloo

Seminary or Waterloo Lutheran University, and persons who have been awarded degrees by Waterloo Lutheran University or by the University of Western Ontario upon the recommendation of the faculty of Waterloo College or Waterloo Lutheran Seminary;

- (j) “member of faculty” means a person employed by the University or by any federated or affiliated college, whose duties are those of performing and administering the teaching and research functions of the University or of any federated or affiliated college, and who is included in the lecturer or professorial ranks, but does not include any such person who is a student;
- (k) “President” means the President of the University;
- (l) “property” includes real and personal property;
- (m) “real property” includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (n) “regular member of faculty” means a member of faculty with tenure or having a probationary term appointment or a full-time definite term appointment;
- (o) “Senate” means the Senate of the University;
- (p) “student” means a person who is registered as such by the University in a program that leads to a degree, diploma or certificate of the University;
- (q) “University” means Wilfrid Laurier University;
- (r) “year” means the membership year of the Board of Governors and the Senate and shall be any twelve-month period established by the Board of Governors from time to time, but the first membership year after this Act comes into force shall be the period from the 1st day of November, 1973, to the 30th day of April, 1974.

(2) In the event of conflict between any provision of this Act ^{Conflict} and any provision of *The Corporations Act*, the provision of ^{R.S.O. 1970,} *this Act* prevails. _{c. 89}

3. The Chancellor, the President and such other persons ^{University} who may hereafter become members of the Board of ^{incorporated}

Governors are hereby created a body corporate with perpetual succession and a common seal to be known under the name of Wilfrid Laurier University.

Objects

4. The objects of the University are the pursuit of learning through scholarship, teaching and research within a spirit of free enquiry and expression.

Powers

5. The University has all powers necessary and incidental to the satisfaction and furtherance of its objects as a University.

Religious
test not
required

6. No religious test shall be required by the University of any of its members of faculty, students, officers or employees, nor shall any religious observance according to the regulations of any particular denomination or sect be imposed upon them or any of them.

Proceedings
in University
name

7. All proceedings by or against the University may be had and taken in the name of Wilfrid Laurier University.

BOARD OF GOVERNORS

Composition

8.—(1) The Board of Governors shall consist of thirty-three members as follows:

1. The Chancellor and the President who shall be *ex officio* members.
2. One member appointed by each of The Regional Municipality of Waterloo, The Corporation of the City of Waterloo and The Corporation of the City of Kitchener.
3. Two members appointed by the Board of Governors of Waterloo Lutheran Seminary.
4. Six members appointed by the Lieutenant Governor in Council.
5. Three members elected by the Senate from among the members of faculty on the Senate.
6. Two members elected by the members of faculty from among the members of faculty.
7. Two members elected by the students from among the students.
8. Two members elected by the administrative staff from among the administrative staff.

9. Three members who are not members of faculty or administrative staff or students appointed by the alumni association from among the alumni.

10. Eight members appointed in the first instance by the Lieutenant Governor in Council and thereafter by the Board of Governors to represent a broad spectrum of the public, provided that such a member shall not be a member of faculty, a member of the administrative staff or a student of the University or of any federated or affiliated college, or a member of the faculty, staff, student body, governing body or senate of any other degree-granting institution of higher learning.

(2) The members to be elected under paragraphs 6, 7 and 8 of subsection 1 shall be elected in such manner and in accordance with such procedures as are determined and established by the Board of Governors. ^{Manner of election}

(3) No person is eligible as a member of the Board of Governors unless he is a Canadian citizen. ^{Canadian citizenship}

9.—(1) Except as provided in subsection 2, all appointed and elected members shall hold office for a period of three years, except that with respect to such members first appointed and elected, the Board of Governors shall determine and select those persons who shall serve for a period of one year, those who shall serve for a period of two years, and those who shall serve for a period of three years. ^{Term of office}

(2) The members referred to in paragraph 7 of subsection 1 of section 8 shall hold office for a period of two years, except that with respect to such members first elected, the Board of Governors shall determine and select the student who shall serve for a period of one year and the student who shall serve for a period of two years. ^{Idem}

10.—(1) The Board of Governors shall elect annually a Chairman and a Vice-Chairman from among its members appointed under paragraphs 4, 9 and 10 of subsection 1 of section 8 and, in the event of the absence or illness of the Chairman, or, in the event of a temporary vacancy in that office, the Vice-Chairman shall act as and have all the powers of the Chairman. ^{Chairman and Vice-Chairman}

(2) In case of the absence or illness of the Chairman and of the Vice-Chairman, the Board of Governors may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the Chairman. ^{Absence}

Term of
office

(3) The term of office of the Chairman and of the Vice-Chairman is one year, provided that each of them is eligible for re-election.

Quorum

11. The quorum of the Board of Governors, to be designated by by-law of the Board, shall consist of not fewer than twelve members, at least one-half of whom shall consist of members of the Board appointed under paragraphs 4, 9 and 10 of subsection 1 of section 8.

Powers of
the Board of
Governors

12. The government of the University and the control of its property and revenues, the conduct of its business and affairs, except with respect to such matters as are assigned by this Act to the Senate, are vested in the Board of Governors, and the Board of Governors has all powers necessary or convenient to perform its duties and to achieve the objects of the University and, without limiting the generality of the foregoing, has the power to,

- (a) appoint, promote, suspend and remove the President and all other officers of the University, heads and associate heads of faculties, the members of faculty or administrative staff of the University, and all other agents of the University, but no person shall be appointed, promoted, suspended or removed as the head of a faculty or school, as a senior administrative officer or as a member of faculty except on the recommendation of the President;
- (b) grant tenure to a member of faculty of the University and terminate such tenure;
- (c) plan and implement the physical development of the University;
- (d) borrow money for the purpose of the University and give security therefor on such terms and in such amounts as the Board of Governors may consider advisable or as from time to time may be required;
- (e) establish and collect fees and charges for academic tuition and for services of any kind that may be offered by the University and to collect such fees and charges, as approved by the Board of Governors, on behalf of any entity, organization or element of the University;
- (f) regulate the conduct of the members of faculty, students and administrative staff of the University

and of all other persons coming upon and using the lands and premises of the University or deny access thereto;

- (g) establish and enforce rules and regulations with regard to the use and occupancy of its buildings and grounds or other operations;
- (h) provide for the appointment and discharge of committees but, where authority is conferred upon any such committee to act for the Board of Governors with respect to any matter or class of matters, a majority of the members thereof shall be members of the Board of Governors;
- (i) invest all money that comes into its hands and is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper;
- (j) enact by-laws and regulations for the conduct of its affairs; and
- (k) do all such acts and things as are necessary or expedient for the conduct of its affairs and the affairs of the University.

13. The governing body of a federated or affiliated college has jurisdiction over and entire responsibility for the regulation of the conduct of all persons in respect of all matters arising or occurring in or upon its buildings and grounds. Conduct,
responsibility
of federated
or affiliated
college

14. The Board of Governors shall determine the proper body within the University to exercise jurisdiction in any matter of discipline that may arise wherein there is a question as to the proper body under which it should come, and the decision of the Board of Governors in such matter is final. Determina-
tion of
disputes

SENATE

15.—(1) There shall be a Senate of the University com-
posed of, Composition

- (a) the following *ex officio* members:

1. The Chancellor.

2. The President.
 3. The Chairman of the Board of Governors.
 4. The head of each federated or affiliated college.
 5. Each Vice-President.
 6. The Dean of each faculty of the University.
 7. The Librarian of the University.
 8. The Registrar of the University.
 9. Such other *ex officio* members as the Senate by by-law may, from time to time, designate;
- (b) the following members, of whom those elected under paragraphs 2 and 5 shall be elected in such manner and in accordance with such procedures as are determined and established by the Senate:
1. Three members of the Board of Governors other than the Chairman thereof, such members to be appointed by that Board from among its members appointed under paragraphs 4, 9 and 10 of subsection 1 of section 8.
 2. Eight members elected by the students from among the students.
 3. Two members appointed by the Senate to represent the secondary school system of Ontario.
 4. Three members who are not members of faculty or administrative staff or students appointed by the alumni association from among the alumni.
 5. Members of faculty equal in number to one more than the total number of all other members of the Senate, provided that,
 - i. one member of faculty shall be elected from each University department, as defined by the Senate, by the members of faculty of each such department,

- ii. two members of faculty shall be elected from each federated or affiliated college by the members of faculty of such college, and
- iii. the remaining members of faculty shall be elected from the regular members of faculty of the University in a manner to be determined by the Senate.

(2) No person is eligible for appointment or election as a member of the Senate who is a member of the faculty, staff, student body, governing body or senate of any degree-granting university, college or other institution of higher learning, other than the University and its federated or affiliated colleges, unless such person is a regular member of faculty. ^{Eligibility of members}

16.—(1) Except as provided in subsection 2, all appointed and elected members shall hold office for a period of three years, except that with respect to such members first appointed and elected, the Senate shall determine and select those persons who shall serve for a period of one year, those who shall serve for a period of two years, and those who shall serve for a period of three years. ^{Term of office}

(2) The members referred to in paragraph 2 of clause *b* of subsection 1 of section 15 shall hold office for a period of two years, except that with respect to such members first elected, the Senate shall determine and select those students who shall serve for a period of one year and two years, respectively. ^{Idem}

17.—(1) The President of the University is the Chairman of the Senate, and the Vice-President: Academic is the Vice-Chairman thereof. ^{Chairman of the Senate}

(2) In case of the absence or illness of the Chairman and of the Vice-Chairman, the Senate may appoint one of its members to act as Chairman *pro tempore* and the member so appointed shall act as and have all the powers of the Chairman. ^{Absence}

18.—(1) The Senate shall meet not less than four times a year, either when convened by the President or at such other times as the members of the Senate may appoint, and at such place as the President may designate. ^{Meetings}

(2) A majority of all the members of the Senate constitutes a quorum. ^{Quorum}

Questions to
be decided
by vote

(3) All questions before the Senate shall be decided by a majority of the votes of the members present, including the vote of the President or other presiding member of the Senate, unless otherwise determined in the by-laws.

Powers of
the Senate

19. The Senate has the power to establish the educational policies of the University and to make recommendations to the Board of Governors with respect to any matter relative to the operation of the University and, without limiting the generality of the foregoing, has the power to,

- (a) make recommendations to the Board of Governors relative to the establishment, maintenance, modification or termination of organizational structures such as faculties, schools, institutes, departments or chairs within the University;
- (b) establish, maintain, modify or remove curricula of all courses of instruction including extension courses, subject to the approval of the Board of Governors in so far as the expenditure of funds is concerned;
- (c) determine policies concerning the qualifications of members of faculty within the University with respect to appointments, promotions in rank, or the granting and termination of tenure;
- (d) determine standards of admission of students to the University;
- (e) consider and determine the conduct and results of examinations in all faculties;
- (f) hear and determine appeals from the decisions of the faculty councils on applications and examinations by students;
- (g) grant the degrees of Bachelor, Master and Doctor, and diplomas, certificates or other awards in any and all branches of learning taught in the University or in a federated or affiliated college;
- (h) grant honorary degrees in any branch of learning;
- (i) undertake, consider and co-ordinate long-range academic planning;
- (j) consider and recommend to the Board of Governors policies concerning the internal allocation or use of University resources;

- (k) create councils and committees to exercise its powers;
- (l) enact by-laws and regulations for the conduct of its affairs; and
- (m) do all such acts and things as are necessary or expedient for the conduct of its affairs.

BOARD OF GOVERNORS AND SENATE

20.—(1) Subject to subsection 2, members of the Board of Governors and of the Senate are eligible for reappointment or re-election, as the case may be, except that an appointed or elected member shall not serve for more than two consecutive terms, but any such appointed or elected member shall be again eligible for appointment or election after the expiration of one year following the completion of two consecutive terms.

(2) The limit of two consecutive terms referred to in subsection 1 does not include the balance of an unexpired term for a person appointed or elected under section 23 or the first term of those persons first appointed or elected under section 8 or 15.

21.—(1) If, within any year, a member of the Board of Governors or of the Senate, not having been granted permission to be absent by such body, attends less than 50 per cent of the regular meetings of such body, his membership on such body is *ipso facto* vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant.

(2) A resolution passed under this section and entered in the minutes of the pertinent meeting of the Board of Governors or of the Senate, as the case may be, is conclusive evidence of the vacancy declared therein.

22. If any event occurs which would make any member of the Board of Governors or of the Senate, as the case may be, ineligible by reason of such occurrence to be appointed or elected to such body, his membership on such body is *ipso facto* vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant, except that a student member of the Board of Governors or of the Senate, as the case may be, who graduates during his term of office is entitled to serve for the remainder of such term.

Filling of vacancies

23. Where a vacancy on the Board of Governors or on the Senate, as the case may be, occurs before the term of office for which a member has been appointed or elected has expired, the vacancy may be filled by the same authority in the same manner as the member whose membership is vacant was appointed or elected, as the case may be, and a member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Meetings of Board of Governors and Senate open to public

24.—(1) Subject to subsection 2, the meetings of the Board of Governors and of the Senate, including committee meetings, shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Board of Governors and the Senate by by-law shall respectively determine, and no person shall be excluded therefrom except for improper conduct but, where confidential matters of the University are being considered, that part of the meeting may be held *in camera*.

Exception

(2) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that such part of the meeting be open to the public.

Examination of by-laws

25.—(1) The by-laws of the Board of Governors and of the Senate shall be open to examination by members of the University community and by the public during normal business hours.

Publication of by-laws

(2) The Board of Governors and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

CHANCELLOR

Chancellor

26.—(1) There shall be a Chancellor of the University who shall be appointed by the Board of Governors with the concurrence of the Senate and who shall hold office for four years and is eligible for reappointment for one additional term.

Chancellor to be titular head, etc.

(2) The Chancellor is the titular head of the University and, subject to subsection 3 of section 27, shall confer all degrees.

Incumbent Chancellor

(3) The incumbent Chancellor of Waterloo Lutheran University, as of the day this Act comes into force, shall continue as the Chancellor of the University and his term of office for the purpose of this section shall be deemed to have commenced on such day.

PRESIDENT

27.—(1) There shall be a President of the University who ^{President} shall be appointed by the Board of Governors in such manner and for such term as the Board of Governors shall determine following advice thereon from the Senate.

(2) The President is the chief executive officer of the University and has supervision over and direction of the academic work and general administration of the University, the members of faculty, officers, employees and students thereof, and such other powers and duties as from time to time may be conferred upon or assigned to him by the Board of Governors. ^{Powers of President}

(3) In the absence of the Chancellor, or where there is a vacancy in the office, the President shall confer degrees, but ^{To confer degrees in absence of Chancellor} if he is absent or unable to act, degrees shall be conferred by such person as the Board of Governors may designate.

(4) The Board of Governors shall, following advice from the Senate, appoint a Vice-President: Academic and may appoint one or more additional Vice-Presidents and other officers who shall have such powers and duties as may be conferred on them by the Board on the recommendation of the President. ^{Vice-Presidents and other officers}

FEDERATION AND AFFILIATION

28.—(1) The Board of Governors may enter into agreements for the federation or affiliation of the University with another university or institution of higher learning. ^{Federation or affiliation of the University}

(2) The Board of Governors, with the concurrence of the Senate, may enter into agreements for the federation or affiliation of a college with the University. ^{Federation or affiliation with the University}

(3) A federated or affiliated college shall not become either federated or affiliated with any other university, college or institution of higher learning without the approval of the Board of Governors. ^{Approval of federation or affiliation}

(4) Notwithstanding subsection 2, upon the coming into force of this Act, Waterloo Lutheran Seminary shall become federated with the University upon such terms and conditions as may be agreed by the two corporations. ^{Waterloo Lutheran Seminary}

PROPERTY

29. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation* ^{Power to deal with property} R.S.O. 1970, c. 225

Act, power to purchase or otherwise acquire, take or receive, by gift, bequest or devise, and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

Application
of statute of
limitations

30. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Application
of property

31. The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

AUDITORS

Audit of
accounts
R.S.O. 1970,
c. 373

32. The Board of Governors shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board of Governors at least once a year.

ANNUAL REPORTS

Annual
reports to
Minister

33.—(1) The Board of Governors shall make an annual report including an audited financial statement to the Minister of Colleges and Universities in such form and containing such other information as the Minister may require.

Tabling

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report to
faculty

(3) The Board of Governors shall make available to the members of faculty, administrative staff and students of the University, an annual report which shall include an annual financial report.

GENERAL

Credits
and marks
recognized

34. Wilfrid Laurier University shall grant to all students, former students and graduates, full recognition for all credits and marks awarded by Waterloo Lutheran University before this Act came into force.

35.—(1) Notwithstanding anything in this Act, for the purpose of permitting the appointment or election, as the case may be, prior to the 1st day of November, 1973, of the members of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act, the Board of Governors of Waterloo Lutheran University and the Senate of Waterloo Lutheran University are hereby respectively authorized and empowered forthwith after this Act receives Royal Assent to act in the place and stead of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act to do all things necessary as expressed in or implied by or contemplated by or required by reason of this Act to form and constitute the first such Board of Governors and Senate, and without restricting the generality of the foregoing, the Board of Governors of Waterloo Lutheran University and the Senate of Waterloo Lutheran University are hereby respectively authorized and empowered to pass such by-laws, make such findings, establish such election procedures, arrange for the carrying out of such elections and to hold and carry out such elections as may be necessary for the formation and constitution of the first Board of Governors and Senate.

First election and appointment of Board of Governors and Senate

(2) The Board of Governors of Waterloo Lutheran University and the Senate of Waterloo Lutheran University are respectively hereby authorized and empowered to arrange for and call, after completion of the appointment and election of the members of the first Board of Governors and first Senate to be established and constituted under this Act, the first meeting of the Board of Governors and the first meeting of the Senate, such meetings to be held on or after 1st day of November, 1973, the members of the said Board of Governors and the members of the said Senate to be given such notice of the said meetings as shall be deemed reasonable.

First meeting

36.—(1) The by-laws, orders and regulations made under the authority of any Act by Waterloo Lutheran University shall, in so far as they are not inconsistent with this Part and are capable of being applied, implemented or complied with in the administration of Wilfrid Laurier University be deemed to have been enacted or made under this Part and shall remain in force and effect until re-enacted, amended or repealed under this Part.

By-laws, orders, regulations continued

(2) On and after the 1st day of November, 1973, the employment contracts, including employee benefits, of every employee of Waterloo Lutheran University, except the employment contracts of employees who are offered employment by, and accept employment with, Waterloo Lutheran Seminary, are obligations in accordance with the terms thereof of

Transfer of employment contracts

Wilfrid Laurier University and all appointments and tenure held by such employees of Waterloo Lutheran University shall be deemed to have been granted by Wilfrid Laurier University.

Pension
plans

(3) Wilfrid Laurier University shall institute a pension plan or plans for its employees that are equivalent to that provided as of the 31st day of October, 1973, by Waterloo Lutheran University and shall thereby make full provision for all matters necessary to ensure that no such employee shall receive any less benefit than that to which he would have been entitled had the transfer of his employment contract not taken place.

Commence-
ment

37. This Act comes into force on the 1st day of November, 1973.

Short title

38. This Act may be cited as *The Wilfrid Laurier University Act, 1973*.

SCHEDULE

PARCEL 1

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Waterloo, in The Regional Municipality of Waterloo, formerly in the City of Waterloo and in the County of Waterloo, and in the Province of Ontario, having an area of 3.026 acres and being composed of Lots Numbered 5, 6, 16, 17, 18 and 19 and part of Lots Numbered 1, 2, 3, 4, 7, 8, and 15 all in Block 'C', in A. Oetzel's Survey, Registered Plan Number 514, and part of Lot Number 42, in the subdivision of Lot Number 13, in the German Company Tract, in the said City of Waterloo, more particularly described as follows:

PREMISING that the easterly limit of Albert Street, as widened by By-law Number 2166, Instrument Number 292623, has a bearing of North 38 degrees and 57 minutes West, and relating all bearings herein thereto;

COMMENCING at a point where a standard iron bar is planted on the northerly limit of Bricker Avenue, distant 13.33 feet measured North 63 degrees and 49 minutes East, therealong from the southwesterly angle of Lot Number 1, in Block 'C', in the said Registered Plan Number 514;

THENCE North 38 degrees and 57 minutes West along the easterly limit of Albert Street as widened by By-law Number 2166, Instrument Number 292623, a distance of 399.69 feet to a standard iron bar;

THENCE North 63 degrees and 41 minutes East, a distance of 255.96 feet to an iron bar;

THENCE North 58 degrees 38 minutes and 30 seconds East, a distance of 46.09 feet to an iron bar;

THENCE North 62 degrees 52 minutes and 30 seconds East, a distance of 93.05 feet to an iron bar;

THENCE South 26 degrees and 14 minutes East, a distance of 242.57 feet to an iron bar;

THENCE southeasterly along a non-tangential curve to the right having a radius of 25.00 feet, an arc distance of 17.59 feet, the chord of which has a bearing of South 14 degrees and 21 minutes East, and a distance of 17.23 feet to an iron bar;

THENCE South 9 degrees 04 minutes and 30 seconds West, a distance of 38.24 feet to an iron bar;

THENCE Southeasterly and along a non-tangential curve to the left having a radius of 177.35 feet, an arc distance of 99.99 feet, the chord of which has a bearing of South 5 degrees 38 minutes and 30 seconds East, and a distance of 98.67 feet to an iron bar;

THENCE South 23 degrees 46 minutes and 30 seconds East, a distance of 13.03 feet to a standard iron bar planted on the northerly limit of Bricker Avenue;

THENCE South 63 degrees and 49 minutes West therealong, a distance of 246.02 feet to the point of commencement.

TOGETHER with a right-of-way in, over, along and upon a strip of land in the City of Waterloo, in the Regional Municipality of Waterloo, formerly in the City of Waterloo and in the County of Waterloo, and in the Province of Ontario, being composed of part of Lot Number 42, in the subdivision of Lot Number 13, in the German Company Tract, in the said City of Waterloo, more particularly described as follows:

COMMENCING at a point where a standard iron bar is planted on the northeasterly limit of Albert Street, the said point may be located as follows:

BEGINNING at the southwesterly angle of Lot Number 1, Block 'C' in A. Oetzel's Survey, Registered Plan Number 514, in the said City of Waterloo;

THENCE North 63 degrees and 49 minutes East, a distance of 13.33 feet to a standard iron bar planted on the easterly limit of Albert Street, as widened by By-law Number 2166, Instrument Number 292623;

THENCE North 38 degrees and 57 minutes West therealong, a distance of 399.69 feet to the said point of commencement;

THENCE North 63 degrees and 41 minutes East, a distance of 255.96 feet to an iron bar;

THENCE North 58 degrees 38 minutes and 30 seconds East, a distance of 46.09 feet to an iron bar;

THENCE North 76 degrees 49 minutes and 30 seconds West, a distance of 29.48 feet;

THENCE South 63 degrees and 41 minutes West, a distance of 284.23 feet to a point on the said easterly limit of Albert Street;

THENCE South 38 degrees and 57 minutes East therealong, a distance of 23.37 feet to the point of commencement.

PARCEL 2

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Waterloo, in the Regional Municipality of Waterloo, formerly in the County of Waterloo, and in the Province of Ontario, having an area of 15.670 acres and being composed of Part of Lot Number 3 in the Registered Plan of Subdivision of Lot Number 13, in the German Company Tract, in the said City of Waterloo, more particularly described as follows:

PREMISING that the Southerly limit of Columbia Street has a bearing of North 63 degrees 45 minutes and 30 seconds East and relating all bearings herein thereto;

COMMENCING at a point on the Westerly limit of the said Lot Number 3, distant 100.26 feet, measured northerly therealong from the Southwesterly angle of the said Lot Number 3;

THENCE North 63 degrees and 41 minutes East, a distance of 899.74 feet to the Westerly limit of Phillip Street;

THENCE North 28 degrees and 29 minutes West along the said Westerly limit, a distance of 780.48 feet to a point on the Southerly limit of Columbia Street as widened by By-law Number 1002, (Instrument Number 172259);

THENCE South 63 degrees 45 minutes and 30 seconds West along the said Southerly limit, a distance of 822.00 feet to a point on the Westerly limit of the said Lot Number 3;

THENCE South 19 degrees 15 minutes and 30 seconds East along the said Westerly limit, a distance of 261.37 feet;

THENCE Southerly continuing along the said Westerly limit, along a curve to the left having a radius of 2,831.93 feet, and arc distance of 522.73 feet, the chord of which has a bearing of South 24 degrees and 33 minutes East, and a distance of 521.99 feet to the point of commencement.

SUBJECT to an easement in favour of the Corporation of the City of Waterloo as described in Instrument Number 152086.

CHAPTER 88

An Act to amend The Grain Elevator Storage Act

Assented to October 11th, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Grain Elevator Storage Act*, being chapter 195^{s. 1, amended} of the Revised Statutes of Ontario, 1970, is amended by re-lettering clause *a* as clause *aa* and by adding thereto the following clauses:
- (a) “Board” means the Grain Elevator Storage Licence Review Board;

.

(ea) “licence”, except in subsection 2 of section 15, means a licence under this Act;

(eb) “Minister” means the Minister of Agriculture and Food.
2. Sections 6, 7 and 8 of the said Act are repealed and the following^{ss. 6-8, re-enacted} substituted therefor:
- 6.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary to enforce^{Appointment of chief inspector and inspectors} this Act and the regulations.

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is^{Certificate of appointment} admissible in evidence as *prima facie* proof of his appointment without further proof of the signature and authority of the Minister.

(3) Subject to subsections 4, 5, 6 and 7 an inspector may,^{Powers of inspector} for the purpose of carrying out his duties under this Act, upon production of a certificate of his appointment,

(a) enter any grain elevator including any building used in connection therewith that he believes on reasonable

and probable grounds are used by a grain elevator operator and inspect such grain elevator or building and any grain stored and books, records or documents pertaining thereto; and

- (b) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom relating to grain stored by a grain elevator operator.

Entry of
dwellings
R.S.O. 1970,
c. 450

(4) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant unless,

- (a) the occupant is licensed under this Act; and
- (b) he has reasonable grounds for believing that the occupant is using such part for storing books, records or documents that have not been produced or furnished by the occupant in accordance with a demand under clause b of subsection 3.

When powers
to be
exercised

(5) An inspector shall exercise his powers under subsection 3 at all reasonable times, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

Production
of records,
etc.

(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may remove and detain them for the purpose of making, or causing to be made, one or more copies thereof if such copies are made with reasonable despatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of copy

(7) Where a copy of a book, record, document or extract has been made under subsection 6, a copy purporting to be certified by the inspector to be a copy made pursuant to subsection 6 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Obstruction
of inspector

(8) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Grain
elevator
operator's
licence

7.—(1) No person shall receive or offer to receive farm produce for storage at a grain elevator unless he is the holder of a licence as a grain elevator operator issued by the chief inspector in respect of the grain elevator.

(2) The chief inspector shall issue a licence as a grain elevator operator to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of the opinion that,

Issue of
licence

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;
- (b) the past conduct of the applicant, or where the applicant is a corporation, of its officers or directors, affords reasonable ground for belief that the business will not be carried on in accordance with the law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations;
- (e) where the applicant was previously the holder of a licence and,
 - (i) such licence was revoked, or
 - (ii) the applicant or, where the applicant is a corporation, any officer, servant or director thereof or any person who will be in any way associated with the applicant in connection with the business, was convicted of an offence,

under this Act, the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

- (f) the applicant is not financially responsible.

(3) Subject to section 8, the chief inspector shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

Renewal
of licence

8.—(1) The chief inspector may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of the opinion that,

Suspension,
revocation or
non-renewal
of licence

- (a) the licensee has ceased to possess or have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;

- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened, or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the conditions for licensing, and such contravention warrants such refusal to renew, suspension or revocation of the licence;
- (c) the licensee has failed to provide promptly and accurately a grain storage receipt to a producer from whom he received farm produce for storage;
- (d) any other ground for refusal to renew, suspension or revocation specified in the regulations exists; or
- (e) any ground for refusing to issue a licence under subsection 2 of section 7 exists.

Licence
deemed to
continue
in force

(2) Where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal.

Notice of
hearing

8a.—(1) The notice of a hearing by the chief inspector under section 7 or 8 shall afford the applicant or licensee a reasonable opportunity to show or achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Documents
to be made
available

(2) An applicant or licensee who is a party to proceedings in which the chief inspector holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Chief
inspector
may vary
or rescind
decision

8b. Where the chief inspector has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision but the chief inspector shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

8c.—(1) A board to be known as the “Grain Elevator Storage Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Ministry of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. ^{Review Board established}

(2) A member of the Board shall hold office for not more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. ^{Chairman, etc.}

(4) A majority of the Board constitutes a quorum. ^{Quorum}

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. ^{Remuneration}

8d.—(1) Where the chief inspector refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Board within fifteen days after receipt of the decision of the chief inspector, appeal to the Board. ^{Appeal to Board}

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. ^{Extension of time for appeal}

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the chief inspector. ^{Disposal of appeal}

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. ^{Effect of decision pending disposal of appeal}

8e.—(1) The chief inspector, the appellant and such other persons as the Board may specify are parties to the proceeding before the Board under this Act. ^{Parties}

Members making decision not to have taken part in investigation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal to court

8f.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Record to be filed in Court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the chief inspector or the Board.

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Effect of
decision of
Board
pending
disposal
of appeal

3. Section 17 of the said Act is repealed.

s. 17,
repealed

4. Section 19 of the said Act is repealed and the following substituted therefor:

s. 19,
re-enacted

19. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
- (b) prescribing the terms and conditions on which licences are issued;
- (c) prescribing grounds for refusal to renew, suspension or revocation of licences in addition to the grounds mentioned in section 8;
- (d) prescribing forms and providing for their use;
- (e) prescribing services that may be performed and acts that may be done by the chief inspector to protect the property of the producers of farm produce received for storage at a grain elevator where the licence of the grain elevator operator has not been renewed or has been suspended or revoked;
- (f) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The Grain Elevator Storage Amendment Act, 1973*.

Short title

CHAPTER 89

An Act to amend The Weed Control Act

*Assented to October 11th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 13 of *The Weed Control Act*, being <sup>s. 13 (5),
re-enacted</sup> chapter 493 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(5) The council shall cause every amount paid under subsection 4 to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Municipal Act*. <sup>Collection
of costs</sup>

R.S.O. 1970,
c. 284

2. Section 14 of the said Act, as amended by the Statutes of <sup>s. 14,
amended</sup> Ontario, 1972, chapter 39, section 5, is further amended by striking out "subject to an appeal to the Assessment Review Court, in the same manner as for taxes under section 76 of *The Assessment Act*", in the fifteenth, sixteenth and seventeenth lines.

3. The said Act is amended by adding thereto the following <sup>s. 14a,
enacted</sup> section:

14a. An application to the council for the cancellation, ^{Appeals} reduction or refund of any amount levied in the year in respect of which the application is made may be made by any person subject to an appeal to the Assessment Review Court in the same manner as for taxes under section 636a of *The Municipal Act*.

4. Subsection 2 of section 20 of the said Act is repealed and <sup>s. 20 (2),
re-enacted</sup> the following substituted therefor:

(2) Subsection 1 applies to a person who is in contravention <sup>Appli-
cation of
penalty</sup> of section 4 or of an order made under subsection 1 of section 11 notwithstanding that procedures for destroying weeds are provided for.

Commence- ment	5. This Act comes into force on the day it receives Royal Assent.
Short title	6. This Act may be cited as <i>The Weed Control Amendment Act, 1973</i> .

CHAPTER 90

An Act to amend The Ontario Water Resources Act

*Assented to October 11th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *l* of section 1 of *The Ontario Water Resources Act*, <sup>s. 1 (*l*),
re-enacted</sup> being chapter 332 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (*l*) “municipality” means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory.
2. Section 11 of the said Act, as re-enacted by the Statutes of <sup>s. 11,
repealed</sup> Ontario, 1972, chapter 1, section 70, is repealed.
3. Section 38 of the said Act, as amended by the Statutes of Ontario, <sup>s. 38,
repealed</sup> 1972, chapter 1, section 70, is repealed.
4. Clause *u* of subsection 1 of section 62 of the said Act is repealed. <sup>s. 62 (1) (*u*),
repealed</sup>
- 5.—(1) This Act, except sections 3 and 4, comes into force on the <sup>Commence-
ment</sup> day it receives Royal Assent.
 - (2) Sections 3 and 4 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.
6. This Act may be cited as *The Ontario Water Resources Amendment* ^{Short title} Act, 1973.

CHAPTER 91

**An Act to amend
The Secondary Schools and
Boards of Education Act**

*Assented to October 11th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Secondary Schools and Boards of Education Act*, being ^{s. 28a, enacted} chapter 425 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

28a.—(1) Where the boundaries of a school division are altered, all lands and premises that, ^{Alteration of boundaries, disposition of assets and liabilities}

(a) are situate in an area that is added to a school division, school section or secondary school district by such alteration;

(b) are used as schools on the last school day preceding the effective date of such alteration; and

(c) immediately prior to the effective date of such alteration are vested in another board of education, public school board or secondary school board except a public school board appointed under section 12 of *The Public Schools Act* and a board appointed or ^{R.S.O. 1970, c. 385} formed under section 4 of this Act,

shall, on and after such effective date, be vested without compensation, subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the board of the school division, school section or secondary school district to which such area is added, and the boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

Dispute

(2) Any dispute as to the disposition of property under subsection 1 may be referred by one or more of the boards concerned to the Ontario Municipal Board, which shall determine the matters in dispute, and its decision is final.

Employment contracts

(3) The employment contract of every employee of a board who, immediately before the effective date of the alteration of the boundaries of a school division, was required to perform his duties in a school that is vested under subsection 1 in the board of a school division, school section or secondary school district becomes an obligation of the board in which the school is vested.

Representation of municipalities detached and added to another school division

(4) Subject to subsection 8, where one or more municipalities are detached from a school division and attached to an adjoining school division and a member of the board of the school division from which the municipality or municipalities are detached resides in one such municipality and was elected by public school electors to represent such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such member shall, on the effective date of the attaching of the municipality or municipalities, cease to be a member of the board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

- (a) to have been elected by public school electors to the board of the school division to which the municipality in which he resides is attached; and
- (b) to represent on such board the municipality in which he resides and the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 9 of section 38 at the time of his election and that are also attached to such school division,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 9 of section 38 as a municipality or municipalities to be represented by one member to be elected by the public school electors.

Where board reduced by transfer of area

(5) Where one or more municipalities are detached from a school division and the number of members of the board of such school division elected by public school electors is reduced pursuant to subsection 4, for the remainder of the term of the board the number of members who remain on the board and who were elected by public school electors and the total number of members who remain on the board shall be deemed to be the number of members to be elected by public

school electors under subsection 4 of section 38 and the total number of members determined under subsection 2 of section 38 respectively.

(6) Subject to subsection 8, where a municipality or part thereof is detached from a school division and attached to an adjoining school division, school section or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the enlarged school division, school section or secondary school district, the public school electors of such municipality or part shall be represented thereon by the member or members last elected thereto by the public school electors of the municipality, combination of municipalities or ward that adjoins the attached municipality or part and, where there are two or more such organized municipalities, combinations of municipalities or wards, the members of the board elected by public school electors shall, by resolution, determine which member or members shall represent the public school electors in the attached municipality or part for the remainder of the term of office of the board, but this subsection does not apply to the municipality or municipalities that will be represented by a member by virtue of subsection 4.

Representation of public school electors of municipality attached to school division

(7) Subject to subsection 8, where one or more municipalities or part or parts thereof are detached from a school division and attached to an adjoining school division or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the enlarged school division or secondary school district, the separate school supporters in each such municipality or part shall be represented thereon by the member or members last elected thereto by the separate school electors in the area that adjoins such attached municipality and for which one or more members are elected to represent separate school supporters.

Representation of separate school supporters of municipality attached to school division

(8) Subsections 4, 6 and 7 do not apply where a regular election of the board is to be held in the year preceding the effective date on which the municipality, municipalities or part or parts thereof are attached to the adjoining school division, school section or secondary school district, as the case may be.

Where subss. 4, 6 and 7 do not apply

- 2. Subsection 12 of section 32 of the said Act is amended by striking out "following year" in the seventh and eighth lines and inserting in lieu thereof "year following the year in which a final decision is received by the board except that, where such decision is received by the board in January, the adjustment shall be made in the levy for the year in which the decision is received".
- s. 32 (12), amended

s. 38 (7) (a),
amended

- 3.—(1) Clause *a* of subsection 7 of section 38 of the said Act is amended by striking out “under subsection 1 of section 45” in the fifth line.

s. 38 (10) (c),
amended

- (2) Clause *c* of subsection 10 of the said section 38 is amended by striking out “under subsection 2 of section 28” in the second line.

s. 43,
amended

- 4.—(1) Section 43 of the said Act is amended by adding thereto the following subsection:

Right of
certain pupils
to attend
school in
another
school
division

(1a) Where, on the 31st day of December, 1973, a pupil is enrolled in a public or secondary school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in a school division other than the school division in which the pupil resides, the pupil has, in addition to any right that he may have under *The Ministry of Education Act*, *The Public Schools Act*, *The Schools Administration Act* or this Act, subject to subsection 5 of section 63, the right to attend the school until he completes his education in the school, and the divisional boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils.

R.S.O. 1970,
cc. 111, 385,
424

s. 43 (3),
amended

- (2) Subsection 3 of the said section 43 is amended by striking out “1” in the first line and inserting in lieu thereof “1, 1a”.

Part V,
re-enacted

5. Part V of the said Act is repealed and the following substituted therefor:

PART V

FRENCH-LANGUAGE SECONDARY SCHOOLS

Interpre-
tation

47. In this Part,

- (a) “board” means a board of education;
- (b) “committee” means a French-language advisory committee formed under this Part;
- (c) “French-language instructional unit” means a class, group of classes, or school in which French is the language of instruction;
- (d) “ratepayer” in respect of a board means a person entitled to vote at an election of members of the board.

French-
language
schools
or classes

- 48.—(1) A board may establish and maintain secondary schools or classes in secondary schools for the purpose of

providing for the use of the French language in instruction, or may enter into an agreement with another board to provide for the admission of resident pupils of the first-mentioned board to one or more French-language instructional units operated by such other board.

(2) Where, after the first school day in September and on or before the 1st day of April in any year, written evidence is presented to a board that a number of French-speaking pupils resident in the secondary school district have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day in the following school year.

(3) Where the evidence referred to in subsection 2 is presented to the board after the 1st day of April and before the first school day in September in any year, the board shall make the determination required under subsection 2 and, where the board determines that French-speaking pupils can be assembled in classes or groups of twenty or more for the use of the French language in instruction, the board may, commencing on the first school day in January of the following year, and shall, commencing on the first school day in September of such following year, provide for the use of the French language in instruction in such classes or groups.

(4) Where a board provides or is required to provide for the use of the French language in instruction in one or more classes in a secondary school and in the opinion of the board the number of French-speaking pupils who elect to be taught in the French language so warrants, the board shall provide an appropriate unit of a secondary school or, where practicable, a French-language secondary school.

(5) Where a board determines that the number of French-speaking pupils who elect to be taught in the French language is not sufficient to justify the establishment of a French-language secondary school, the board shall, in respect of the education of such pupils, consider the possibility of entering into an agreement with another board under subsection 1 of section 60 of this Act or section 36 of *The Schools Administration Act*.

French-language
schools

Idem

French-language
secondary
schools

Agreement
with another
board

R.S.O. 1970,
c. 424

Establish-
ment of
committee

49.—(1) Where,

- (a) ten or more French-speaking ratepayers of a secondary school district apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the French language is or is to be used in instruction; or
- (b) a board establishes or extends or decides to establish or extend a class, group or program in which the French language is or is to be used in instruction,

the board shall, within two months of the application, establishment, extension or decision to establish or extend, by resolution, establish a committee and provide for the holding of elections of members thereof, and such elections shall, subject to subsection 6, be held within such period.

Composition

(2) The committee shall consist of nine members and shall be composed of,

- (a) three members of the board appointed by the board; and
- (b) six French-speaking ratepayers who are not members of the board but have the qualifications required for members of the board, elected by French-speaking ratepayers of the secondary school district.

Member of
elementary
board

(3) A member of the committee under clause *b* of subsection 2 may be a member of an elementary school board.

Term of
office

(4) A member of a committee shall hold office during the term of the members of the board and until a new board is organized.

Apportion-
ment of
members

(5) The board, subject to subsection 8, shall apportion the number of members under clause *b* of subsection 2 among the municipalities and the localities as defined in section 27, or among parts or groups of such municipalities or localities, within the jurisdiction of the board as nearly as is practicable in the proportion that the number of French-speaking pupils who elect to be taught in the French language from each such municipality, locality or part or group thereof bears to the total number of such pupils within the area of jurisdiction of the board.

Meetings
of French-
speaking
ratepayers
to elect
committee
members

(6) The board shall make provision for a meeting of its French-speaking ratepayers in respect of each area to which

one or more members are apportioned under subsection 5 for the purpose of electing such member or members to the committee, and shall advertise in each of its schools and in the public media serving the local population, the place, date and time of the meeting, and take such additional action to publicize the meeting as it considers expedient.

(7) Where the election of members of a committee under subsection 1 would otherwise be held within three months before the date of the regular election of members of the board, the election required under subsection 1 shall be held in accordance with section 50. Idem

(8) For the purposes of the second and subsequent elections of members to a committee, the board shall consult with the committee before making the apportionment referred to in subsection 5 and shall make such apportionment on or before the 1st day of December in the year of a regular election of the board. Consultation with committee re apportionment

(9) Where a French-language committee has been established by a board before this section comes into force and the members thereof have not been appointed or elected in accordance with this section, the board shall establish a committee in accordance with this section, and elections of members of the committee shall be held before the 31st day of January, 1974, and the French-language committee established before this section comes into force is dissolved as of the date upon which such election is completed. Committee to be established in accordance with this section

50. Where a committee has been established and a new board has been elected, a meeting provided under subsection 6 of section 49 to elect a member or members to the committee shall be held, on or before the second Wednesday following the first meeting of the newly-elected board, commencing at 8 o'clock in the afternoon on such date and at such place as the board may determine, and such meeting may also consider any other matters brought before it, and the provisions of subsection 6 of section 49 respecting the publicizing of the meeting apply. French-speaking ratepayers to elect subsequent members to committee

51.—(1) The secretary of the board or a person appointed by the board shall call to order each meeting of French-speaking ratepayers under sections 49 and 50 and shall preside thereat for the purpose of electing a chairman of the meeting. Election of chairman of meeting

(2) The chairman of a meeting shall appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required by the chairman. Secretary of meeting

**Procedure at
meeting**

(3) The chairman of a meeting shall conduct the election of the member or members of the committee to be elected at such meeting and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion and, in the case of an equality of votes with respect to the election of a member of the committee, the chairman shall provide for drawing lots to determine which of the candidates is elected and a motion on which there is an equality of votes is deemed to be lost.

**Notice of
result of
election**

(4) Notice in writing shall be given by the secretary of a meeting to the secretary of the board designating by their names and addresses the person or persons elected as members of the committee.

**Chairman
and vice-
chairman of
committee**

52.—(1) At the first meeting of the committee, the members shall elect from among themselves a chairman and a vice-chairman.

Quorum

(2) A majority of the members of the committee constitutes a quorum, and the vote of a majority of the members present at a meeting is necessary to bind the committee.

**Vote of
chairman,
equality
of votes**

(3) On every motion, the chairman may vote, and any motion on which there is an equality of votes shall be deemed to be lost.

**Special
meeting**

(4) A special meeting of the committee may be called by the chairman of the committee and shall be called by the chairman upon the request in writing of two members of the committee who shall specify the objects for which the meeting is to be held, and the objects shall be stated in the notice calling the meeting.

Vacancies

53. Every vacancy on a committee for any cause shall be filled by appointment by the board in the case of appointed members and by the elected members of the committee in the case of elected members and every person so appointed shall hold office for the unexpired term of the member whose seat has become vacant.

**Recommen-
dations**

54.—(1) A Committee is responsible for developing proposals designed to meet the educational and cultural needs of the French-speaking pupils and the French-speaking community and for such purpose may make recommendations in respect of,

- (a) the provision of suitable sites, accommodation and equipment;

- (b) the establishment, operation and management of French-language instructional units;
 - (c) the use of the French language and of the English language in French-language instructional units;
 - (d) the recruitment and appointment of the required teaching, supervisory and administrative personnel;
 - (e) the establishment of the courses of study and the use of text books;
 - (f) the development and establishment of special education programs;
 - (g) the establishment of attendance areas for French-language instructional units;
 - (h) the provision of transportation for pupils;
 - (i) the entering into agreements with other boards in respect of the provision of instruction in the French language and supervisory and consultative services;
 - (j) the provision of board, lodging and transportation for pupils;
 - (k) the development and establishment of adult education programs;
 - (l) the use of any facility and means necessary to meet the educational and cultural needs of the French-speaking community;
 - (m) the provision of summer school programs; and
 - (n) any other matter pertaining to French language education for French-speaking pupils.
- (2) The committee shall report at each regular meeting of the board. Committee report to board
- (3) The board shall seek the advice of the committee on all matters affecting the establishment, program, administration and termination of French-language instructional units before any final decision regarding such matters is taken by the board and shall provide adequate accommodation and staff to implement the decision of the board. Board to seek advice of committee
- (4) The board shall consider any recommendation submitted to it in writing by the committee and shall not refuse its approval Consideration of recommendations by board

without having given the committee an opportunity to be heard by the board or by any committee of the board to which such recommendation is referred and, where a board refuses a recommendation of the committee, it shall, within thirty days after receiving the recommendation of the committee, forward to the committee written reasons for its refusal.

Referral by
committee to
Languages of
Instruction
Commission

(5) Upon receipt of a refusal and the reasons therefor under subsection 4, the committee may, by motion, refer the matter to the Languages of Instruction Commission of Ontario, in which case it shall send to the Commission and to the board copies of the motion, the recommendation of the committee and the written reasons of the board for its refusal.

Attendance
of committee
chairman at
board
committee
meeting

55.—(1) The chairman of the committee or a member of the committee designated by him may attend any meeting of a committee of the board and shall be given the opportunity to be heard at such meeting in respect of any matter that affects French-speaking pupils and that is within the jurisdiction of such committee of the board.

Distribution
of adminis-
trative
materials

(2) Notices, agendas and minutes in respect of meetings of the board shall be distributed to the members of the committee together with such supporting documents as may be agreed upon by the board and the committee.

Formation
of sub-
committee

(3) The committee may, at its discretion, form subcommittees to assist it in its work.

Committee
may hold
public
meetings

(4) The committee may hold such public meetings to report upon its work as it considers necessary or desirable.

Resources and
services to
be provided by
board

56.—(1) The board shall make available to the committee the resources and services provided for a committee of the board.

Annual
report of
committee

(2) The chairman of the committee shall cause to be prepared in French and English an annual report, and the report shall be included in that of the board where the board publishes a report.

Services of
professional
staff to be
provided

(3) The committee may, through the chief executive officer of the board, obtain the advice and assistance of such supervisory officers and teachers employed by the board as the committee may request.

Honorarium

57.—(1) Each member of the committee who is not a member of the board shall receive an honorarium in accordance with subsection 1 of section 40 of *The Schools Administration Act*, except that the maximum honorarium shall be based upon the enrolment in French-language instructional units and subsection 7 of the said section 40 applies *mutatis mutandis* to such member.

(2) The board may authorize a member of the committee to attend on the same basis as a member of the board such conferences and meetings as the board considers necessary or desirable for the effective functioning of the committee, and subsections 5 and 6 of section 40 of *The Schools Administration Act* apply *mutatis mutandis* to a member of the committee.

Attendance
at meetings
and
conferences

R.S.O. 1970,
c. 424

(3) The board shall, on behalf of the members of the committee, pay all or part of a fee required for membership in a provincial association of French-language committees where the committee desires such membership.

Provincial
association
membership
fee

58. Notwithstanding any other provision in this Part, English or Anglais shall be an obligatory subject of instruction for every pupil of grades 9 to 12 who is enrolled in a French-language school and shall be a required subject for a certificate or diploma issued to such a pupil.

English or
Anglais
as subject
required in
grades 9 to 12

58a.—(1) Where a board has provided one or more French-language secondary schools and a number of pupils of the board elect to be taught in the English language, section 48 applies *mutatis mutandis* in respect of provision for the use of the English language in instruction.

English-
language
classes where
French-
language
school or
classes
established

(2) Where the number of English-speaking pupils of a board is fewer than the number of pupils of the board for whom French is the language of instruction and,

Establish-
ment of
English-
language
advisory
committee

- (a) ten or more English-speaking ratepayers of the secondary school district apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the English language is or is to be used in instruction; or
- (b) the board establishes or extends or decides to establish or extend a class, group or program in which the English language is or is to be used in instruction,

the board shall establish an English-language advisory committee, and the provisions of this Part that apply to a committee in respect of the French-speaking ratepayers, pupils and community and in respect of French-language instructional units apply *mutatis mutandis* to an English-language advisory committee in respect of the English-speaking ratepayers, pupils and community and in respect of schools or classes in which English is the language of instruction.

58b.—(1) A board, on the request of an English-speaking pupil of the board or, where the pupil is a minor, of his parent or guardian, may admit the pupil to a French-language

Admission
of pupils
other than
French-
speaking
pupils

instructional unit if his admission is approved by a majority vote of an admissions committee appointed by the board and composed of the principal of the school in which the French-language instructional unit is operated, a French-language teacher of such school and, subject to subsection 2, a French-speaking supervisory officer employed by the board.

Where board
has no
French-
speaking
supervisory
officer

(2) Where the board does not employ a French-speaking supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the Minister to serve as a member of the admissions committee.

s. 77 (6) (d),
re-enacted

6. Clause *d* of subsection 6 of section 77 of the said Act is repealed and the following substituted therefor:

(*d*) where all or part of the municipality in which the school is located is in a separate school zone, a supervisory officer designated by the separate school board having jurisdiction in such zone and, where such zone is in a provincial separate school superintendency, an area superintendent designated by the Minister.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1973*.

CHAPTER 92

**An Act to amend
The Schools Administration Act**

*Assented to October 11th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 16 of subsection 2 of section 1 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

16. “occasional teacher” means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher who has died during the school year or who is absent from his regular duties for a temporary period that is less than a school year and that does not extend beyond the end of a school year.

- (2) Subparagraph vi of paragraph 18 of subsection 2 of the said section 1 is repealed and the following substituted therefor:

vi. the obtaining of a water supply or an electrical power supply on the school property or the conveying of a water supply or an electrical power supply to the school from outside the school property.

- (3) Subsection 2 of the said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, 1972, chapter 1, section 62, and 1972, chapter 77, section 1, is further amended by adding thereto the following paragraph:

26a. “school day” means a day that is within a school year and is not a school holiday.

- (4) Paragraph 29 of subsection 2 of the said section 1 is amended by inserting after “land” in the first line “or interest therein”.

s. 1 (2),
amended

- (5) Subsection 2 of the said section 1 is further amended by adding thereto the following paragraph:

29a. "school year" means the period prescribed as such by, or approved as such under, the regulations.

s. 3,
repealed

2. Section 3 of the said Act is repealed.

s. 4 (1),
re-enacted

3. Subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 77, section 2, is repealed and the following substituted therefor:

(1) A board may close or authorize the closing of a school or class for a temporary period where such closing appears unavoidable because of,

(a) failure of transportation arrangements; or

(b) inclement weather, fire, flood, the breakdown of the school heating plant, or a similar emergency.

s. 5,
repealed

4. Section 5 of the said Act is repealed.

s. 6,
amended

5. Section 6 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 77, section 3, is further amended by adding thereto the following subsection:

(2a) Where a school year approved by the Minister does not commence on the day following Labour Day, references to the first school day in September and the last school day in June in subsections 1 and 2 shall be read as the first school day in the school year and the last school day in the school year respectively for the purpose of compulsory attendance of pupils of the school or schools or parts thereof to which the school year applies.

Where school
year varied

s. 12 (1) (a),
re-enacted

6. Clause *a* of subsection 1 of section 12 of the said Act is repealed and the following substituted therefor:

(a) report to the appropriate school attendance counsellor and supervisory officer the names, ages and residences of all pupils of compulsory school age who have not attended school as required.

s. 16 (3),
re-enacted

7. Subsection 3 of section 16 of the said Act is repealed and the following substituted therefor:

Salary of
teacher

(3) Unless otherwise expressly agreed, a teacher is entitled to be paid his salary in the proportion that the number of school days for which he is employed in the school year bears to the total number of school days in the school year.

8.—(1) Clause *h* of subsection 1 of section 21 of the said Act is <sup>s. 21 (1) (*h*),
re-enacted</sup> repealed and the following substituted therefor:

(*h*) to attend the educational conference that is approved <sup>educational
conferences</sup> by the appropriate supervisory officer under the regulations;

(*ha*) to participate in professional activity days as deter- <sup>professional
activity days</sup> mined by the board under the regulations.

(2) Clause *d* of subsection 2 of the said section 21 is repealed <sup>s. 21 (2) (*d*),
re-enacted</sup> and the following substituted therefor:

(*d*) to prepare a timetable, to conduct the school ^{timetable} according to such timetable and the school calendar or calendars applicable thereto and to make the calendar or calendars and the timetable accessible to the pupils, teachers and supervisory officers.

(3) Clause *e* of subsection 2 of the said section 21 is repealed <sup>s. 21 (2) (*e*),
re-enacted</sup> and the following substituted therefor:

(*e*) to hold, subject to the approval of the appropriate <sup>examinations
and reports</sup> supervisory officer, such examinations as he considers necessary for the promotion of pupils or for any other purpose and report as required by the board the progress of the pupil to his parent or guardian where the pupil is a minor and otherwise to the pupil.

9. Subsection 5 of section 21*a* of the said Act, as enacted by <sup>s. 21*a* (5),
re-enacted</sup> the Statutes of Ontario, 1972, chapter 77, section 14, is repealed and the following substituted therefor:

(5) Where the principal refuses to comply with a request <sup>Reference
where dis-
agreement</sup> under subsection 4, the pupil, parent or guardian who made the request may, in writing, require the principal to refer the request to the appropriate supervisory officer who shall either require the principal to comply with the request or submit the record and the request to a person designated by the Minister, and such person shall hold a hearing at which the principal and the person who made the request are the parties to the proceedings, and the person so designated shall, after the hearing, decide the matter, and his decision is final and binding upon the parties to the proceedings.

10.—(1) Paragraph 8 of section 34 of the said Act is amended by <sup>s. 34,
par. 8,
amended</sup> striking out “term” in the second line and inserting in lieu thereof “year”.

s. 34,
par. 9,
amended

- (2) Paragraph 9 of the said section 34 is amended by striking out "term" in the second line and inserting in lieu thereof "year".

s. 34,
par. 18,
amended

- (3) Paragraph 18 of the said section 34, as re-enacted by the Statutes of Ontario, 1971, chapter 90, section 5, is amended by inserting after "municipality" in the tenth line and in the eleventh line "or board".

s. 34,
amended

- (4) The said section 34 is amended by adding thereto the following paragraph:

borrowing
from funds

19. notwithstanding any other Act, borrow, for any purpose for which the board has authority to spend money, any moneys in any fund established by the board that are not immediately required by the board for the purposes of such fund, but such borrowing shall not extend beyond the term of office of the members of the board and, where secondary school moneys are borrowed for public school purposes or public school moneys are borrowed for secondary school purposes, the board shall pay interest to the fund from which such moneys are borrowed at a rate not less than that being earned by the fund at the date of borrowing.

s. 34,
par. 40,
amended

- (5) Paragraph 40 of the said section 34 is amended by striking out "and specify when such leave shall be taken" in the second and third lines.

s. 37,
amended

11. Section 37 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 6 and 1972, chapter 77, section 21, is further amended by adding thereto the following subsection:

Cost of
special
services

- (2a) A board shall not enter into an agreement under subsection 1 or 2 that requires the board to provide special services for Indian pupils that it does not provide for its resident pupils unless, in addition to the fees prescribed in subsection 1 or 2, the cost of such services is payable by the Crown in right of Canada.

s. 39,
re-enacted

12. Section 39 of the said Act is repealed and the following substituted therefor:

French-
language
elementary
schools and
classes

- 39.—(1) A board of education, public school board or separate school board may establish and maintain elementary schools or classes in elementary schools, including kindergarten classes, for the purpose of providing for the use of the French language in instruction.

French-
language
classes

- (2) Where, after the first school day in September and on or before the 1st day of April in any year, written evidence is

presented to a board referred to in subsection 1 that a number of French-speaking pupils resident in the school section or separate school zone have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty-five or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day of the following year.

(3) Where the evidence referred to in subsection 2 is ^{Idem} presented to the board after the 1st day of April and before the first school day in September in any year, the board shall make the determination required under subsection 2 and, where the board determines that French-speaking pupils can be assembled in classes or groups of twenty-five or more for the use of the French language in instruction, the board may, commencing on the first school day in January of the following year, and shall, commencing on the first school day in September of such following year, provide for the use of the French language in instruction in such classes or groups.

(4) Where a board referred to in subsection 1 provides or ^{French-language schools} is required to provide for the use of the French language in instruction and in the opinion of the board the number of pupils who elect to be taught in the French language so warrants, the board shall provide a French-language elementary school.

(5) Notwithstanding subsections 1, 2, 3 and 4, English may ^{English as subject of instruction} be a subject of instruction in any grade and shall be a subject of instruction in Grade 5 and all subsequent grades in an elementary school.

(6) A board, on the request of the parent or guardian of an ^{Admission of pupils other than French-speaking pupils} English-speaking pupil of the board, or of the pupil where he is an adult, may admit the pupil to a class formed under subsection 1, 2 or 3 or to a school provided under subsection 4 if his admission is approved by majority vote of an admissions committee appointed by the board, and composed of the principal of the school to which admission is requested, a teacher who uses the French language in instruction in such school and, subject to subsection 7, a French-speaking supervisory officer employed by the board.

(7) Where a board does not employ a French-speaking ^{Where board has no French-speaking supervisory officer} supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the Minister to serve as a member of the admissions committee.

English
language
schools or
classes

(8) Where a board has provided one or more French language elementary schools under subsection 4 and a number of pupils of the board elect to be taught in the English language, subsections 1, 2 and 3 apply *mutatis mutandis* in respect of provision for the use of the English language in instruction.

Duties and
responsi-
bilities of
advisory
committee
in public
schools

R.S.O. 1970,
c. 425

39a. Where, under Part V of *The Secondary Schools and Boards of Education Act*, a board of education has established a French-language advisory committee or an English-language advisory committee, the committee has the same duties and responsibilities in respect of the French-language schools and classes or English-language schools and classes, as the case may be, that are provided in the public schools operated by the board of education as it has in respect of French-language instructional units or English-language schools and classes, as the case may be, for secondary school purposes.

s. 46,
amended

- 13.** Section 46 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 77, section 24, is amended by adding thereto the following subsection:

Participation
of retired
person in
contract

(3) A board may retain a person who retires from employment with the board before he attains the age of sixty-five years in a group established for the purposes of a contract referred to in clause *a* of subsection 1 until he attains such age if he pays the full premium required to be paid to retain his participation in the contract.

s. 58,
re-enacted

- 14.** Section 58 of the said Act is repealed and the following substituted therefor:

Action for
declaration
that seat
vacant

58.—(1) Any person entitled to vote at the election of members of a board may commence an action by writ in the county or district court in the county or district in which the head office of the board is situate for a declaration that the office of a member of such board has become vacant under section 39 of *The Secondary Schools and Boards of Education Act*, section 91 of *The Separate Schools Act* or section 49, 50 or 57 of this Act.

R.S.O. 1970,
c. 430

Time for
bringing
action

(2) No action shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the board came to the knowledge of the person bringing such action.

Power of
court

(3) Where in an action under this section the court finds that the office of a member of the board has become vacant, the court may order that the member be removed from office and declare that the office is vacant.

(4) The provisions of sections 105 to 108 and 112 of *The Application of 1972, c. 95* *Municipal Elections Act, 1972* apply *mutatis mutandis* to an action brought under this section.

(5) A claim in an action under this section may be joined ^{Joining of claims} with a claim in an action under section 104 of *The Municipal Elections Act, 1972*, and such claims may be heard and disposed of in the same action.

15. Section 60 of the said Act is repealed. ^{s. 60, repealed}

16. Subsections 3 and 4 of section 61 of the said Act, as re-enacted ^{s. 61 (3, 4), re-enacted} by the Statutes of Ontario, 1972, chapter 77, section 27, are repealed and the following substituted therefor:

(3) Subject to section 63, a board may erect buildings for ^{Buildings on land owned by board} its purposes on land owned by the board.

(4) A board may erect a school building on land that is ^{Buildings on leased land} leased by the board where the term of the lease, the school site and the plans of the school building are approved by the Minister.

17. Subsection 1 of section 71 of the said Act, as amended by ^{s. 71 (1), re-enacted} the Statutes of Ontario, 1971, chapter 90, section 9 and 1972, chapter 77, section 31, is repealed and the following substituted therefor:

(1) Notwithstanding the provisions of any general or ^{Current borrowing} special Act, a board may by resolution authorize the treasurer and the chairman or vice-chairman to borrow from time to time by way of a promissory note, such sums as the board considers necessary to meet the current expenditures of the board until the current revenue has been received, provided that the interest and any other charges connected therewith do not exceed the interest that would be payable at the minimum lending rate of the majority of chartered banks on the date of borrowing.

18. The said Act is amended by adding thereto the following ^{Part IX-A, enacted} Part:

PART IX-A

LANGUAGES OF INSTRUCTION COMMISSION OF ONTARIO

88a. In this Part, <sup>Interpre-
tation</sup>

(a) “Commission” means the Languages of Instruction Commission of Ontario established under this Part;

R.S.O. 1970, c. 425	<p>(b) “committee” means a French-language advisory committee or an English-language advisory committee established under Part V of <i>The Secondary Schools and Boards of Education Act</i>;</p> <p>(c) “ratepayer” in respect of a board means a person entitled to vote at an election of members of the board.</p>
Establishment of Commission	<p>88b.—(1) A commission to be known as the Languages of Instruction Commission of Ontario is hereby established and shall be composed of five members appointed by the Lieutenant Governor in Council at least two of whom shall be French-speaking and at least two of whom shall be English-speaking, and one of the members shall be appointed as chairman.</p>
Term, re- appointment and remuneration	<p>(2) Members of the Commission shall hold office for a term of three years, may be reappointed, and shall be paid such remuneration as may be determined by the Lieutenant Governor in Council.</p>
Vacancies	<p>(3) Where a vacancy occurs in the membership of the Commission, the vacancy may be filled for the unexpired portion of the term of the person whose office has become vacant.</p>
Commission is responsi- ble to the Minister	<p>(4) The Commission is responsible to the Minister for its operation and shall be assisted by such employees in the public service of Ontario as the Minister may assign for the purpose.</p>
Quorum	<p>(5) A quorum consists of three members of whom at least one shall be French-speaking and one English-speaking.</p>
Recommen- dation	<p>(6) A recommendation of the Commission requires the approval of at least a majority of the members of the Commission.</p>
Duties of Commission	<p>(7) The Commission shall consider matters referred to it by committees and requests for advice and assistance on questions in respect of which a committee may make recommendations, from boards and committees, and where there is no committee, from a group of ratepayers of the board concerned determined by the Commission to be representative of the French-speaking or English-speaking minority, as the case may be, within the jurisdiction of the board.</p>
Spokesman	<p>(8) A group referred to in subsection 7 shall name one of its members as its spokesman.</p>
Referral to Commission by Minister	<p>(9) The Minister may refer to the Commission any matter relating to instruction in the French language or, where the</p>

pupils of a board who receive instruction in the English language are a minority of the pupils of a board, any matter relating to instruction in the English language.

(10) Where, within the area of jurisdiction of a board, there is doubt as to whether the French-speaking or English-speaking pupils are in the minority, the Commission has the power to determine whether there shall be a French-language advisory committee or an English-language advisory committee, or both, and the board shall establish such committee or committees as the Commission determines.

(11) Where, within thirty days of the election of a committee, the board or the committee requests the Commission to investigate an alleged irregularity respecting the election of a member of the committee, the Commission shall investigate such election and give the member an opportunity to make representation to the Commission and shall declare the member to be elected or declare his seat vacant and shall send a copy of its decision and reasons therefor to the board or committee and to the member.

(12) When a matter is referred to the Commission, the board concerned shall defer action thereon until the matter has been resolved.

(13) When a matter is referred to the Commission it shall,

(a) forthwith appoint one or more mediators where it considers that the furtherance of such matter may be conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community; or

(b) except where a matter is referred by the Minister, take no further action where it considers that the furtherance of such matter is not conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community.

(14) Where the Commission takes no further action on a referral it shall forthwith send notice in writing of its decision and of the reasons therefor to the board, the Minister and either the committee or the spokesman referred to in subsection 8.

(15) Where the Commission makes an appointment under subsection 13 it shall communicate the name and address of each mediator to,

(a) the Minister;

- (b) the secretary of the board; and
- (c) the chairman of the committee,

and where a committee has not been established by a board, to the spokesman of the group referred to in subsection 8.

Remunera-
tion

88c.—(1) Mediators shall be paid such remuneration as the Lieutenant Governor in Council may determine.

Who not
eligible as
mediator

(2) A mediator shall not be a member of the Commission.

Duties of
mediator

(3) The mediator or mediators shall, after inquiring into the matter referred for mediation and conferring with the parties involved, endeavour to bring about an agreement and shall, within twenty-one days of being appointed, report to the Commission the agreement that has been reached, or the failure to bring about agreement.

Extension of
period of
mediation

(4) The period referred to in subsection 3 may be extended by the Commission or by agreement of the parties to the mediation.

Duties of
Commission

88d.—(1) Where the report of the mediator or mediators to the Commission indicates failure to bring about an agreement, the Commission shall consider and inquire into all pertinent aspects of the matter referred to mediation and shall, within twenty-one days of its receipt of the report, recommend to the board in writing a course of action that it considers appropriate to settle the matter and shall send copies of its recommendation to the Minister, the committee and the spokesman referred to in subsection 8 of section 88b.

Report of
board to
Minister

(2) Within thirty days of its receipt of a copy of the recommendation of the Commission, the board shall report in writing to the Minister its decision in respect of the recommendation of the Commission and shall forward copies of the decision to the Commission and to the committee or spokesman of the group, as the case may be.

Cost

88e. The expenditures necessary for the purposes of the Commission and the mediators under this Part shall be payable until the 31st day of March, 1974, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

Commence-
ment

19.—(1) This Act, except sections 2, 4, 5 and 7, comes into force on the day it receives Royal Assent.

(2) Sections 2, 4, 5 and 7 come into force on the 1st day^{Idem} of July, 1973.

20. This Act may be cited as *The Schools Administration Amendment Act, 1973*.^{Short title}

CHAPTER 93

An Act to amalgamate certain Municipalities in The Regional Municipality of Ottawa-Carleton and to provide for the Elections of Councils of the amalgamated Municipalities

*Assented to October 11th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Township of Goulbourn, the Township of Rideau and the Township of West Carleton, all as constituted by section 2;
- (b) “local board” means a local board as defined in *The Municipal Affairs Act*;
- (c) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) “Municipal Board” means the Ontario Municipal Board.

R.S.O. 1970,
c. 118

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The Corporation of the Township of Goulbourn, The Corporation of the Village of Richmond and The Corporation of the Village of Stittsville are amalgamated as a township municipality bearing the name of The Corporation of the Township of Goulbourn;
- (b) The Corporation of the Township of Fitzroy, The Corporation of the Township of Huntley and The Corporation of the Township of Torbolton are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Carleton; and

- (c) The Corporation of the Township of North Gower and The Corporation of the Township of Marlborough are amalgamated as a township municipality bearing the name of The Corporation of the Township of Rideau and the portions of the Township of Gloucester, the Township of Nepean and the Township of Osgoode described in the Schedule hereto are annexed to such township.

Amalgamations and annexations deemed by Municipal Board orders
R.S.O. 1970, cc. 323, 284

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Act shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum re names of area municipalities

(3) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition of councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The Township of Goulbourn—Eight councillors elected by wards.
2. The Township of Rideau—Six councillors elected by wards.
3. The Township of West Carleton—Six councillors elected by wards.

(2) Elections for the first councils of the area municipalities^{First elections} established under this Act shall be held on the 3rd day of December, 1973, and the members so elected shall hold office for the years 1974, 1975 and 1976.

(3) For the purposes of the elections of the first councils^{Idem} of the area municipalities, the Minister shall by order,

- (a) divide each area municipality into wards and provide for the respective numbers of members to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) provide for nominations, the appointment of returning officers, the holding of the elections, the establishment of polling subdivisions, and the preparation of polling lists; and
- (c) provide for all such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first^{Application of 1972, c. 95} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

(5) The members of the council of each area municipality^{Organization committee, 1973} elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the elections^{First election expenses} to elect members of the councils of the area municipalities or of The Carleton Board of Education in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. Notwithstanding the provisions of section 120 of *The Regional Municipality of Ottawa-Carleton Act*, in the year 1973, the Minister may by order provide for all matters^{Carleton Board of Education R.S.O. 1970, c. 407} necessary to reconstitute The Carleton Board of Education

including the holding of elections for such Board if necessary and the term of office for the members so elected.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Ottawa-Carleton Amalgamations and Elections Act, 1973*.

SCHEDULE

FIRSTLY, part of the Township of Gloucester, commencing at a point in the southern boundary of the Township of Gloucester where it intersects the middle of the east branch of the Rideau River;

THENCE northerly along the middle of the east branch of the Rideau River lying to the east of Long Island and along the middle of the channel at the east side of Nicoll Island to the boundary between the townships of Gloucester and Nepean, the said point in the easterly prolongation of the line between lots 7 and 8 in Concession II Rideau Front of the Township of Nepean, being also on the prolongation of the south limit of Registered Plan No. 422;

THENCE southwesterly along the boundary between the townships of Gloucester and Nepean crossing Nicoll Island to the middle of the channel of the west branch of the Rideau River;

THENCE southerly along the middle of the said channel along the west side of Nicoll Island and Long Island to the southern boundary of the Township of Gloucester;

THENCE easterly along the southern limit of the Township of Gloucester as defined in *The Townships of Osgoode and Gloucester Act, 1943*, being chapter 44, to the point of commencement;

SECONDLY, part of the Township of Nepean, commencing at a point in the middle of the channel of the west branch of the Rideau River where it is intersected by the prolongation westerly of the south limit of Registered Plan No. 422 of the north part of Nicoll Island;

THENCE easterly to and along the south limit of said Plan, being along the boundary between the townships of Nepean and Gloucester to the middle of the channel of the east branch of the Rideau River;

THENCE northerly along the middle of the channel of the east branch of the Rideau River to its intersection with the middle of the channel of the west branch of the said River lying to the north of Nicoll Island;

THENCE southerly along the middle of the channel of the west branch of the Rideau River, to the west of Nicoll Island to the point of commencement;

THIRDLY, part of the Township of Osgoode, commencing at the northwest angle of the Township of Osgoode, being in the middle of the channel of the west branch of the Rideau River;

THENCE easterly along the north boundary of the Township of Osgoode as defined in *The Townships of Osgoode and Gloucester Act, 1943*, being chapter 44, to and crossing Long Island to the middle of the channel of the east branch of the Rideau River;

THENCE southeasterly and southerly along the middle of the channel of the east branch of the Rideau River to its intersection with the middle of the channel of the west branch of the said River lying southeast of Long Island;

THENCE northwesterly along the middle of the west branch of the Rideau River, being along the westerly boundary of the Township of Osgoode, to the point of commencement.

CHAPTER 94

An Act to amend
The Environmental Protection Act, 1971

Assented to October 18th, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e* and *h* of section 3 of *The Environmental Protection Act, 1971*, being chapter 86, are repealed and the following substituted therefor:

(*e*) convene conferences and conduct seminars and educational and training programs relating to contaminants, pollution, waste and litter;

.

(*h*) establish and operate demonstration and experimental waste management systems, litter disposal sites and sewage systems under Part VII.

2. Sections 23 and 24 of the said Act are repealed and the following substituted therefor:

23.—(1) No person shall sell, offer or expose for sale, a motor or motor vehicle that does not comply with the regulations.

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, no person shall sell, offer or expose for sale, such motor or motor vehicle unless the motor or motor vehicle has such system or device so installed, attached or incorporated and such system or device, when the motor or motor vehicle is operating, complies with the regulations.

(3) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant,

no person shall remove or cause or permit the removal of such system or device from such motor or motor vehicle, except for repair of such system or device or for replacement of such system or device by a system or device of the same type.

Operation
of motor or
motor vehicle

24.—(1) Except where necessary for test or repair purposes, no person shall operate or cause or permit the operation of a motor or motor vehicle or any class or type thereof that that does not comply with the regulations.

Where
system
or device
required

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle a system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not operate or cause or permit the operation of such motor or motor vehicle nor shall any person knowingly operate or cause or permit its operation unless such motor or motor vehicle has installed on, attached to or incorporated in it such system or device, and such system or device operates in accordance with the regulations when the motor or motor vehicle is in operation.

s. 25.
re-enacted

3. Section 25 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

25. In this Part, "Director" means the officer of the Ministry designated by the Minister to perform the functions of the Director under this Part and the regulations related thereto.

ss. 26a, 26b,
enacted

4. The said Act is amended by adding thereto the following sections:

Interpre-
tation

26a.—(1) In this section,

- (a) "ice shelter" means any structure that is located on or over ice over any water for more than one day and that is or may be used for shelter, privacy or the storage or sale of any thing;
- (b) "owner", when used in relation to an ice shelter, includes a person who has the right to use or occupy the ice shelter;
- (c) "waste" means human excrement or any refuse that is discharged or deposited in or from an ice shelter.

Discharge
or deposit
of waste
prohibited

(2) No person shall discharge or deposit or cause or permit to be discharged or deposited any waste upon or over the ice over any water except in accordance with the regulations.

(3) Except as provided in subsection 4, where an ice shelter is placed or allowed to remain on ice over any water in contravention of any provision of the regulations, a provincial officer may remove the ice shelter or cause it to be removed, ^{Removal of ice shelter by provincial officer}

(a) where the provincial officer is able to determine the name and address of the owner, after service of notice upon the owner at least seven days before the date of the removal; or

(b) where the provincial officer is unable to determine the name and address of the owner, forthwith.

(4) Where an ice shelter is placed or allowed to remain on ice over any water beyond the dates prescribed by the regulations within which ice shelters may be placed, allowed to remain or used on or over ice over any water, a provincial officer may remove the ice shelter or cause it to be removed without serving prior notice upon the owner, but where the provincial officer is able to determine the name and address of the owner, notice of the removal shall be served upon the owner forthwith after the removal. ^{Idem, out of season}

(5) Except where an ice shelter has been destroyed in the course of removal, the owner of an ice shelter that has been removed pursuant to subsection 3 or 4 may take possession of the ice shelter within thirty days of the removal or of service of the notice mentioned in subsection 3, whichever is later, or within thirty days after service of the notice mentioned in subsection 4, as the case requires, upon payment to the Treasurer of Ontario of the costs and charges for removal and storage of the ice shelter. ^{Where owner may retake possession of ice shelter}

(6) Where the owner of an ice shelter that has been removed pursuant to subsection 3 or 4 does not take possession of the ice shelter pursuant to subsection 5, ^{Where provincial officer may dispose of ice shelter}

(a) a provincial officer may dispose of the ice shelter without compensation therefor; and

(b) the owner is divested of ownership of the ice shelter and, where the ice shelter is disposed of to any person, such person shall acquire ownership of the ice shelter free from any right, title or interest of any other person.

(7) A notice under subsection 3 or 4 shall be in such form as the regulations may prescribe and shall state that ^{Notice}

the owner may take possession of the ice shelter pursuant to subsection 5 and that, if such owner does not so take possession, the ice shelter may be disposed of without compensation therefor and, where the ice shelter has been removed or caused to be removed pursuant to subsection 4 and has been damaged or destroyed in the course of the removal, the notice shall state the condition of the ice shelter.

Means of
removal

(8) A provincial officer shall use due care in removing an ice shelter pursuant to subsection 3 or 4 but may use a means of removal that causes damage to or the destruction of the ice shelter if the use of the means of removal is necessary in order to carry out the removal.

Damage or
destruction
during
removal

(9) Where an ice shelter is removed pursuant to subsection 3 or 4 and the means of removal that is necessary in the circumstances results in damage to or the destruction of the ice shelter, the owner of the ice shelter is not entitled to compensation for the damage or destruction.

Protection
from
personal
liability

26b.—(1) No action or other proceeding for damages or otherwise shall be instituted against a provincial officer removing an ice shelter pursuant to section 26a or a person having the charge, management or control of a place where such an ice shelter is stored or anyone acting under the direction of such provincial officer or person for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Crown not
relieved
of liability
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Part VI,
re-enacted

5. Part VI of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 18 to 21, is repealed and the following substituted therefor:

PART VI

ABANDONED MOTOR VEHICLES

Interpre-
tation

49. In this Part,

- (a) “abandoned motor vehicle” means a vehicle that has been left unattended without lawful authority

and that appears to an officer, by reason of its age, appearance, mechanical condition or lack of licence plates, to be abandoned;

(b) “abandoned motor vehicle site” means,

(i) a waste disposal site,

A. that is classified by the regulations as a derelict motor vehicle site,

B. that is not exempt under the regulations relating to Part V or Part VI, and

C. for which a certificate of approval or a provisional certificate of approval has been issued pursuant to Part V, or

(ii) any place that is approved in writing by the Director for the purpose of receiving and storing abandoned motor vehicles;

(c) “Director” means the Director of the Waste Management Branch of the Ministry;

(d) “officer” means a provincial officer or a member of the Ontario Provincial Police Force or the police force in the area where an abandoned motor vehicle is found.

50. An officer may remove or cause to be removed an abandoned motor vehicle to an abandoned motor vehicle site. Removal of abandoned motor vehicle

51. Where an officer has removed an abandoned motor vehicle to an abandoned motor vehicle site, the officer shall forthwith serve notice in writing of the removal on the owner of the vehicle at the latest address shown on the records of the Ministry of Transportation and Communications when the officer causes the records to be examined or on the records, if any, on or in the vehicle unless the name and address of the owner cannot be determined. Notice to owner

52. A notice under section 51 shall,

Contents of notice

(a) contain a description of,

(i) the abandoned motor vehicle,

(ii) the place from which and the abandoned motor vehicle site to which the abandoned motor vehicle was removed,

- (iii) the date of removal, and
 - (iv) the identification of the officer who removed or caused the removal of the abandoned motor vehicle;
- (b) state,
- (i) that if the abandoned motor vehicle is not claimed by the owner or any other person having a right or interest in the vehicle within thirty days from the date of service of the notice, the abandoned motor vehicle will be sold or otherwise disposed of by the person having the charge and control of the abandoned motor vehicle site, and
 - (ii) that the owner shall forthwith upon receipt of the notice notify any person having a right or interest in the abandoned motor vehicle, of whom he has knowledge, of the receipt and contents of the notice of removal.

Where
owner
may retake
possession

53. The owner or any person having a right or interest in an abandoned motor vehicle may take possession of the abandoned motor vehicle within thirty days after the date of service of the notice referred to in section 51 or, where notice of removal has not been served, within thirty days after the date of removal of the vehicle on payment to the person having the charge and control of the abandoned motor vehicle site of all costs and charges, if any, for removal of the vehicle to and all costs and charges, if any, for storage of the vehicle at the abandoned motor vehicle site.

Disposal
of vehicle

54. Where an abandoned motor vehicle has not been claimed by the owner or any person having a right or interest in the abandoned motor vehicle pursuant to section 53, the person having the charge and control of the abandoned motor vehicle site shall sell or otherwise dispose of the vehicle and shall apply the proceeds of the sale or other disposition firstly, in payment of all costs and charges, if any, for removal of the vehicle to the abandoned motor vehicle site, and secondly, in payment of all costs and charges, if any, for storage of the vehicle at the site, and any surplus shall be paid to the Treasurer of Ontario.

Protection
from
personal
liability

55.—(1) No action or other proceeding for damages or otherwise shall be instituted against an officer removing an abandoned motor vehicle or a person having the charge and

control of an abandoned motor vehicle site or anyone acting under the direction of such officer or person for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty under this Part.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

55a. Where an abandoned motor vehicle is sold or otherwise disposed of pursuant to section 54, the owner or any person having a right or interest in the vehicle is divested of the ownership of or other right or interest in the vehicle and the person who has acquired the vehicle on a disposition pursuant to section 54 acquires the ownership of the vehicle free from any right or interest of any other person in the vehicle.

Ownership

55b. Where an owner or other person having a right or interest in an abandoned motor vehicle that is disposed of pursuant to section 54 does not, acting in good faith through any cause beyond his control, receive notice of removal of the vehicle or does not otherwise acquire knowledge of such removal before the disposition and such owner or other person suffers loss as a result of such disposition, such owner or other person may apply to the Director for compensation upon giving notice to the Director forthwith after becoming aware of the disposition and upon applying therefor pursuant to section 55c within six months from the date the notice of removal, if any, is served or, where no notice of removal is served, from the date of removal of the vehicle to an abandoned motor vehicle site.

Compensation

55c. A person applying for compensation pursuant to section 55b shall make application therefor to the Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that is within his knowledge.

Claim for
compensation

55d. The Director may award compensation under section 55b in such amount and on such terms and conditions as appear just under the circumstances and shall set out his award in a certificate together with written reasons therefor and send a

Director's
certificate

copy thereof to the applicant by registered mail at the address set out in the application.

When
certificate
final

55*e*. The certificate of the Director is final at the end of thirty days from the date of mailing it to the applicant unless notice of appeal is served within that time.

Appeal

55*f*. The applicant may appeal to the Board at any time before the certificate of the Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X.

Payment

55*g*. Where the Director has sent his certificate by registered mail to the applicant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the applicant is entitled to payment of compensation, the Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the applicant out of the Consolidated Revenue Fund.

Recovery
of moneys

55*h*. Where an applicant who has received any payment out of the Consolidated Revenue Fund pursuant to section 55*g* recovers any moneys, directly or indirectly, from any person in respect of the loss for which the payment was made out of the Consolidated Revenue Fund, the applicant shall repay to the Treasurer of Ontario for credit to the Consolidated Revenue Fund an amount equal to the payment out of the Consolidated Revenue Fund or the moneys received from such person, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.

Part VII,
amended

6. Part VII of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 22 to 26, is further amended by adding thereto the following sections:

Interpre-
tation

61*a*.—(1) In this section, “municipality” means the corporation of a metropolitan area, regional area or a district area, a local municipality which is not included in a metropolitan, regional or district area, a county, a local board of a health unit or a local board of health.

Minister
may enter
into agree-
ment with
municipality

(2) A municipality and Her Majesty the Queen in right of Ontario, represented by the Minister, may enter into an agreement applicable to the whole or any part or parts of the area under the jurisdiction of the municipality providing for,

- (*a*) the issuance by the municipality of certificates of approval pursuant to this Part;

- (b) the issuance by the municipality of permits pursuant to this Part;
- (c) the making of orders by the municipality pursuant to this Part;
- (d) the carrying out of inspections respecting sewage systems under this Part that may be necessary or expedient,
 - (i) for the exercise by the municipality of such powers or duties under this Part as may be specified in the agreement, and
 - (ii) with respect to such applications under *The Planning Act* for consents under section 29 of that Act or for approvals of plans of subdivision under section 33 of that Act as may be specified in the agreement; or
- (e) the collection and payment or remittance of any fees payable under this Act or the regulations for any inspections that are carried out by the municipality under the agreement,

and any matter incidental thereto, and a municipality that has entered into such an agreement has all such powers as may be necessary to carry out the provisions thereof.

(3) Where the Minister and a municipality have entered into an agreement pursuant to this section, the municipality or the officer or employee of the municipality designated in the agreement shall be deemed to be the Director or the Executive Director, as the case may require, for the purpose of carrying out the provisions of this Act and the regulations applicable to the matters dealt with in the agreement.

61b.—(1) Subject to subsection 2, where an application is made for a consent under section 29 of *The Planning Act* or for approval of a plan of subdivision under section 33 of *The Planning Act*, the applicant shall pay a fee at the rate or rates prescribed by the regulations to the Treasurer of Ontario or, where an agreement is made under section 61a, to the person specified in the agreement,

- (a) in the case of an application under section 29 of *The Planning Act*, for each parcel of land in respect of which the application is made; and
- (b) in the case of an application under section 33 of *The Planning Act*, for each lot on the proposed plan of subdivision.

Exemption

(2) No fee is payable under subsection 1 in respect of,

R.S.O. 1970,
c. 349

(a) in the case of an application for a consent under section 29 of *The Planning Act*,

(i) a parcel of land more than ten acres in area in respect of which the application is made,

(ii) a parcel of land in respect of which the application is made that is part of the land on which the owner thereof resides and from which he derives his chief source of income by farming, where no person other than the applicant and one or more members of his immediate family are parties to the transaction in respect of which the application is made,

R.S.O. 1970,
c. 332

(iii) a parcel of land in respect of which the application is made and for which a sewage works has been approved under section 42 of *The Ontario Water Resources Act* to serve the parcel of land; or

(b) in the case of an application under section 33 of *The Planning Act*,

(i) any lot that is more than ten acres in area on the proposed plan of subdivision, or

(ii) any lot that the application states will be served by a sewage works that has been approved or in respect of which an application has been or will be made for approval under section 42 of *The Ontario Water Resources Act*,

where the applicant files with the Director an affidavit showing that he is entitled to the benefit of the exemption set out in this subsection.

Certificate of exemption

(3) Where an affidavit is filed under subsection 2 with the Director, the Executive Director shall cause to be prepared a certificate of exemption from the provisions of subsection 1 and cause the certificate to be delivered to the person filing the affidavit.

Consent not to be given until fee paid

(4) A consent under section 29 of *The Planning Act* or an approval under section 33 of *The Planning Act* shall not be given before the fees mentioned in subsection 1 have been paid or a certificate has been delivered pursuant to subsection 3.

Interpretation

(5) In this section, "immediate family" means the son, daughter, son-in-law, daughter-in-law, father, mother, grand-

child, grandparent, adopted son, adopted daughter, stepson, stepdaughter or a person to whom the owner stands *in loco parentis*.

(6) In addition to any other remedy and to any penalty Recovery imposed by law, any fee due and payable under this section,

(a) to the Treasurer of Ontario, may be recovered with costs by the Minister as a debt due to Her Majesty the Queen in right of Ontario; or

(b) to the corporation of a metropolitan, regional or district area, a county or a local municipality, may be recovered with costs by such corporation as a debt due to such corporation,

in a court of competent jurisdiction.

7. Section 82 of the said Act is repealed and the following substituted therefor: s. 82, re-enacted

82. The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of any section or Part of this Act or any regulation or section of any regulation relating thereto. Designation of provincial officers

8. Subsections 1 and 2 of section 84 of the said Act are repealed and the following substituted therefor: s. 84 (1, 2), re-enacted

(1) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts, and the Crown is liable for any damage or actual costs occasioned thereby. Powers of provincial officer

(2) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions mentioned in subsection 1 but every such entry, survey, examination, investigation, Order authorizing

test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time.

s. 85,
amended

- 9.** Section 85 of the said Act is amended by adding thereto the following subsections:

Inspection
of motor
vehicles

(2) A provincial officer, for the purpose of carrying out the provisions of this Act and the regulations, may require the driver of any motor vehicle to stop and may inspect the motor vehicle and require the driver of the motor vehicle to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examinations and tests at such place or places and time or times as the provincial officer considers expedient and where the provincial officer considers it necessary or expedient he may call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance.

Duty of
driver
of motor
vehicle

(3) Every driver of a motor vehicle shall stop or submit the motor vehicle, together with its equipment and any trailer attached, to such examinations and tests as may be required by a provincial officer or a member of a police force referred to in subsection 2.

s. 86,
re-enacted

- 10.** Section 86 of the said Act is repealed and the following substituted therefor:

Obstruction
of provincial
officer

86. No person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information required for the purposes of this Act and the regulations.

s. 94 (1) (i),
re-enacted

- 11.—**(1) Clause *i* of subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

(i) prescribing the amounts of grants and loans and the terms and conditions of such grants and loans.

s. 94 (3),
amended

- (2) Subsection 3 of the said section 94 is amended by adding thereto the following clauses:

(d) prescribing forms and providing for their use for the purposes of Part IV;

(e) providing for the issue of permits and identification plates for ice shelters and requiring and governing their use;

- (f) regulating the placing, construction and standard of repair of ice shelters and requiring and regulating the storage, treatment and disposal of waste and requiring the approval of the Director for any equipment and things related thereto by any person or class of persons and prohibiting the placing, allowing to remain or use of an ice shelter contrary to or in a condition that is contrary to the regulations or without any equipment or facilities required by the regulations;
 - (g) prescribing the dates within which ice shelters may be placed, allowed to remain or used on or over the ice over any water.
- (3) Subsection 5 of the said section 94, as amended by the Statutes of Ontario, 1972, chapter 106, section 31, is ^{s. 94 (5), repealed} repealed.
- (4) Subsection 6 of the said section 94, as amended by the Statutes of Ontario, 1972, chapter 106, section 31, is ^{s. 94 (6), amended} further amended by adding thereto the following clauses:
- (k) prescribing fees or rates of fees payable and the procedure for payment under section 61*b*;
 - (l) prescribing qualifications of inspectors, providing for their classification, examination and certification, prescribing fees for such examination and certification and providing for the terms upon which such certification may be suspended or cancelled and prohibiting any municipality from carrying out any inspections under an agreement under Part VII except by certified inspectors;
 - (m) exempting any parcel or class of parcels of land in respect of which an application for a consent is made under section 29 of *The Planning Act* from the ^{R.S.O. 1970, c. 349} payment of a fee under section 61*b*.
- 12.** Subsection 2 of section 102 of the said Act is amended by adding ^{s. 102 (2), amended} at the end thereof "that occurs during the period within which the order or program approval is applicable".
- 13.** This Act comes into force on a day to be named by the <sup>Commence-
ment</sup> Lieutenant Governor by his proclamation.
- 14.** This Act may be cited as *The Environmental Protection Amend-Short title
ment Act, 1973*.

CHAPTER 95

**An Act to amend
The Ministry of Consumer and
Commercial Relations Act**

*Assented to October 18th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Ministry of Consumer and Commercial Relations Act*, being chapter 113 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(7a) Where the nature or size of an industry for which registration is required under any Act administered by the Minister is such that a decision by one person engaged in the industry in respect of the affairs of another person engaged in the industry could not reasonably be made without the possibility of a conflict of interest, the Lieutenant Governor in Council may make regulations exempting the Act for which the Minister is responsible from the application of subsections 4 and 7.

s. 7,
amended

Application
of subss. 4
and 7
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Ministry of Consumer and Commercial Relations Amendment Act, 1973*.

Short title

CHAPTER 96

**An Act to establish
The Regional Municipality of
Haldimand-Norfolk**

*Assented to October 18th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Township of Delhi, the City of Nanticoke, the Town of Dunnville, the Town of Haldimand, the Town of Simcoe and the Township of Norfolk, all as constituted by section 2;
- (b) “chairman” means the chairman of the Regional Council;
- (c) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (d) “local municipality” until the 1st day of April, 1974, means any local municipality or portion thereof in the Regional Area;
- (e) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (f) “Ministry” means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (g) “Municipal Board” means the Ontario Municipal Board;

- (h) “Regional Area”,
- (i) until the 1st day of April, 1974, means,
- A. the area included within the County of Haldimand, and

B. the area included within the County of Norfolk, except that portion of the Township of Middleton described as follows:
- COMMENCING at the northwest angle of the Township of Middleton;
- THENCE southerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the Township of Middleton;
- THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;
- THENCE northerly along the boundary between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;
- THENCE westerly along the north boundary of the Township of Middleton to the point of commencement,
- and
- (ii) on and after the 1st day of April, 1974, means the area from time to time included within the area municipalities;
- (i) “Regional Corporation” means, subject to subsection 6 of section 6, The Regional Municipality of Haldimand-Norfolk;
- (j) “Regional Council” means the council of the Regional Corporation.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of April, 1974,

- (a) The portions of the townships of Charlotteville, Middleton, South Walsingham and Windham, described as follows, are annexed to The Corporation of the Town of Delhi to establish a township municipality bearing the name of The Corporation of the Township of Delhi.

FIRSTLY, part of the Township of Charlotteville, commencing at the intersection of the east boundary of the Township of Charlotteville and the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the road allowance between the said concessions to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the Township of Charlotteville;

THENCE westerly along the north boundary of the Township of Charlotteville to its northwest angle;

THENCE southerly along the west boundary of the Township of Charlotteville and its prolongation in accordance with *The Territorial Division Act*, R.S.O. 1970, chapter 458, to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to the southerly prolongation of the east boundary of the Township of Charlotteville;

THENCE northerly to and along the east boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Middleton, commencing at the northeast angle of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road

and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of Big Creek to the south boundary of the Township of Middleton;

THENCE easterly along the south boundary of the Township of Middleton to its southeast angle;

THENCE northerly along the east boundary of the Township of Middleton to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Middleton and the Town of Delhi to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Middleton to the point of commencement;

THIRDLY, part of the Township of South Walsingham, commencing at the intersection of the east boundary of the Township of South Walsingham and the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly following the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE northerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the Township of Windham, commencing at the northeast angle of the Township of Windham;

THENCE southerly along the east boundary of the Township of Windham to the easterly prolongation of the centre line of road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of road allowance between the said concessions to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE westerly along the south boundary of the Township of Windham to its southwest angle;

THENCE northerly following the westerly boundary of the Township of Windham to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Windham and the Town of Delhi to the west boundary of the said Township of Windham;

THENCE northerly along the west boundary of the said Township to its northwest angle;

THENCE easterly along the north boundary of the Township of Windham to the point of commencement;

- (b) The Corporation of the Village of Jarvis, The Corporation of the Town of Port Dover and The Corporation of the Town of Waterford are amalgamated as a city municipality bearing the name of The Corporation of the City of Nanticoke and the portions of the townships of Rainham, Townsend, Walpole and Woodhouse described as follows, are annexed to such city:

FIRSTLY, part of the Township of Rainham, commencing at a point in the west boundary of the Township of Rainham where it intersects the limit between the north and south halves of Lot 1 in Concession II of the said Township;

THENCE easterly along the limit between the north and south halves of said Lot 1 being the north

limit of the lands of O. Hoover as described in Instrument Number 6966 to the east limit of said Lot 1;

THENCE southerly along the east limit of Lot 1 in concessions II and I in the said Township of Rainham to the north limit of the lands of V. and M. Hare, described in Instrument Number 83254;

THENCE westerly along the north limit of the said lands and the prolongation thereof to the west boundary of the Township of Rainham;

THENCE northerly along the west boundary of the Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the northwest angle of the Township of Townsend;

THENCE southerly along the west boundary of the Township of Townsend to the westerly prolongation of the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly to and along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 4 in Concession XIII of the said Township;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV to the south boundary of the said Township of Townsend;

THENCE easterly along the south boundary of the said Township to its southeast angle;

THENCE northerly along the east boundary of the Township of Townsend to its northeast angle;

THENCE northwesterly and westerly following the northern boundaries of the Township of Townsend to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Waterford.

THIRDLY, part of the Township of Walpole, commencing at the northwest angle of the Township of Walpole;

THENCE southeasterly along the northeast boundary of the Township of Walpole to the northerly boundary of the Village of Hagersville;

THENCE westerly and southerly following the boundaries between the Township of Walpole and the Village of Hagersville to an angle in the said Village being a point in the west limit of Lot 13 in Concession XIII;

THENCE southerly along the east limit of Lot 13 in concessions XIII, XII and XI of the Township of Walpole to the centre line of road allowance between concessions X and XI of the said Township;

THENCE easterly along the centre line of the said road allowance to the northeast boundary of the said Township of Walpole;

THENCE southeasterly and southerly along the easterly boundaries of the Township of Walpole to its southeast angle;

THENCE westerly along the south boundary of the Township of Walpole to its southwest angle;

THENCE northerly along the west boundary of the Township of Walpole to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Jarvis;

FOURTHLY, part of the Township of Woodhouse, commencing at the northeast angle of the Township of Woodhouse;

THENCE southerly along the east boundary of the Township of Woodhouse and its prolongation in accordance with *The Territorial Division Act*, R.S.O. 1970, chapter 458, to the middle of Long Point Bay;

THENCE westerly along the middle of the said bay to the southerly prolongation of the west boundary of the said Township of Woodhouse;

THENCE northerly to and along the west boundary of the Township of Woodhouse to the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7 in the Gore of the Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the centre line of the said road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III known as the Ireland Side Road;

THENCE northerly following the centre line of the said Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE northerly along the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE easterly along the north boundary of the Township of Woodhouse to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Port Dover;

- (c) The Corporation of the Township of Canborough, The Corporation of the Township of Dunn, The Corporation of the Town of Dunnville, The Corporation of the Township of Moulton and The Corporation of the Township of Sherbrooke are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dunnville;
- (d) The Corporation of the Town of Caledonia, The Corporation of the Village of Cayuga, The Corporation of the Village of Hagersville, The Corporation of the Township of North Cayuga, The Corporation of the Township of Oneida, The Corporation of the Township of Seneca and The Corporation of the Township of South Cayuga are amalgamated as a town municipality bearing the name of The Cor-

poration of the Town of Haldimand and the portions of the townships of Rainham and Walpole, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Rainham, commencing at the northerly angle of the Township of Rainham;

THENCE southeasterly along the northeast and easterly boundaries of the Township of Rainham to its southeast angle in Lake Erie;

THENCE westerly along the south boundary of the Township of Rainham to its southwest angle;

THENCE northerly along the west boundary of the Township of Rainham to the westerly prolongation of the north limit of the lands of V. and M. Hare, as described in Instrument Number 83254;

THENCE easterly to and along the last mentioned lands to the east limit of Lot 1 in Concession I of the said Township of Rainham;

THENCE northerly along the east limit of Lot 1 in concessions I and II to the limit between the north and south halves of Lot 1 in Concession II in the said Township of Rainham the said limit being the north limit of the lands of O. Hoover, as described in Instrument Number 6966;

THENCE westerly along the limit between the north and south halves of said Lot 1 to the west boundary of the said Township;

THENCE northerly along the west boundary of the said Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Walpole, commencing at a point in the northeast boundary of the Township of Walpole where it is intersected by the centre line of the road allowance between concessions X and XI of the said Township;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the east limit of Lot 13 in Concession XI of the Township of Walpole;

THENCE northerly to and along the east limit of Lot 13 in concessions XI, XII and XIII of the said Township of Walpole to an angle in the Village of Hagersville;

THENCE southerly and easterly following the boundaries between the Township of Walpole and the Village of Hagersville to the northeast boundary of the said Township of Walpole;

THENCE southeasterly along the northeast boundary of the said Township to the point of commencement;

- (e) The portions of the townships of Charlotteville, Townsend, Windham and Woodhouse, described as follows, are annexed to The Corporation of the Town of Simcoe;

FIRSTLY, part of the Township of Charlotteville, commencing at a point in the east boundary of the Township of Charlotteville where it intersects the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the said Township of Charlotteville;

THENCE easterly along the north boundary of the Township of Charlotteville to its northeast angle;

THENCE southerly along the east boundary of the Township of Charlotteville to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the intersection of the west boundary of the Township of Townsend and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly along the centre line of the said road allowance to the northerly prolongation of the

west limit of Lot 4 in Concession XIII of the Township of Townsend;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV of the Township of Townsend to its south boundary;

THENCE westerly following the boundaries between the Township of Townsend and the Town of Simcoe to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Townsend to the point of commencement;

THIRDLY, part of the Township of Windham, commencing at the intersection of the east boundary of the Township of Windham and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of the said road allowance to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of the road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE easterly along the south boundary of the Township of Windham to the boundary of the Town of Simcoe;

THENCE northeasterly following the boundaries between the Township of Windham and the Town of Simcoe to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Windham to the point of commencement;

FOURTHLY, part of the Township of Woodhouse, commencing at the intersection of the west boundary of the Township of Woodhouse and the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7

in the Gore of the said Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the centre line of the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III, known as the Ireland Side Road;

THENCE northerly following the centre line of the Ireland Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE in a general northwesterly direction following the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE westerly along the north limit of the Township of Woodhouse to its northwest angle;

THENCE southerly along the west boundary of the Township of Woodhouse to the point of commencement;

- (f) The Corporation of the Township of Houghton, The Corporation of the Township of North Walsingham and The Corporation of the Village of Port Rowan are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norfolk and the portions of the townships of Middleton and South Walsingham, described as follows, are annexed to such township;

FIRSTLY, part of the Township of Middleton, commencing at the southwest angle of the Township of Middleton;

THENCE northerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the said Township;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE southerly, easterly and northerly following the boundaries between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE easterly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of the said main channel to the south boundary of the Township of Middleton;

THENCE westerly along the south boundary of the Township of Middleton to the point of commencement;

SECONDLY, part of the Township of South Walsingham, commencing at the northeast angle of the Township of South Walsingham;

THENCE southerly along the east boundary of the Township of South Walsingham to the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the said Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing the middle of said Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly along the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE southerly along the east boundary of the said Township and its prolongation to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to its intersection with the southerly prolongation of the west boundary of the Township of Walpole into Lake Erie;

THENCE southerly along the said prolongation, being along the east boundary of the Township of South Walsingham, to the International Boundary between Canada and the United States of America;

THENCE westerly along the said International Boundary to the southerly prolongation of the west boundary of the Township of South Walsingham;

THENCE northerly to and along the west boundary of the Township of South Walsingham to its north-west angle;

THENCE easterly along the north boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Rowan.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of April, 1974:

1. The Police Village of Canfield.
2. The Police Village of Fisherville.
3. The Police Village of St. Williams.
4. The Police Village of Selkirk.
5. The Police Village of Vittoria.

Amalgama-
tions,
annexations,
and
dissolutions
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this

Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and “municipalities” in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

R.S.O. 1970,
cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

Referendum
re area
municipality
names

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of April, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The Township of Delhi—except as may be provided under subsection 3, eleven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
2. The City of Nanticoke—except as may be provided under subsection 3, twelve members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

3. The Town of Dunnville—except as may be provided under subsection 3, nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
4. The Town of Haldimand—except as may be provided under subsection 3, seventeen members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and fifteen of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
5. The Town of Simcoe—except as may be provided under subsection 3, nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
6. The Township of Norfolk—except as may be provided under subsection 3, eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and six of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 10th day of December or such other date not later than the 17th day of December as the Minister may by order prescribe, and the first councils elected shall hold office for the year 1974, on and after the 1st day of April, and for the years 1975 and 1976.

(3) For the purposes of the elections of the first councils of the area municipalities and members thereof to represent the area municipalities on the Regional Council,

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members

First
elections
and term
of office

Idem

of the council of the area municipality and of the Regional Council to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

- (b) the Minister may by order provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and
 - (ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*. Application of 1972, c. 95

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year and until the 1st day of April, 1974, necessary for the purposes of organization, policy and planning of the area municipality. Organization committee in 1973

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. First election expenses

5. No area municipality shall have a Board of Control. No Board of Control

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

6.—(1) On the 1st day of January, 1974, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Haldimand-Norfolk". Regional Corporation constituted

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deemed municipality under R.S.O. 1970, cc. 118, 323

Regional
Area deemed
county for
judicial
purposes

R.S.O. 1970,
c. 230

(3) On and after the 1st day of April, 1974, each of the judicial districts of Haldimand and Norfolk, as described in subsection 4, shall be deemed to be a county for all judicial purposes and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Haldimand
and Norfolk
judicial
district

(4) For judicial purposes, on and after the 1st day of April, 1974, the Regional Area is divided into two judicial districts as follows:

1. The Judicial District of Haldimand composed of all the area of the County of Haldimand as it existed on the 31st day of March, 1974.
2. The Judicial District of Norfolk composed of all the area of the County of Norfolk as it existed on the 31st day of March, 1974.

Registry
boundaries

(5) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
counties
deemed
appointments
for judicial
districts

(6) Every person who held an office or appointment under any Act on the 31st day of March, 1974, in and for the County of Haldimand or in and for the County of Norfolk shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of April, 1974, in and for the Judicial District of Haldimand or the Judicial District of Norfolk, as the case may be.

Referendum
re name of
Regional
Corporation

(7) Notwithstanding subsection 1, a vote of the electors within the Regional Area shall be taken at the same time as the election for the first Regional Council to determine from between "Erie" and "Haldimand-Norfolk", which name the Regional Corporation shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the Regional Corporation as set out in subsection 1, as being that chosen by the majority of the electors within the Regional Area;
or
- (b) declare the name of the Regional Corporation to be The Regional Municipality of Erie, as being that chosen by the majority of the electors within the Regional Area,

and where a declaration is made under clause *b*, all references to The Regional Municipality of Haldimand-Norfolk shall be deemed to be references to The Regional Municipality of Erie and all ancillary references to Haldimand-Norfolk shall be deemed to be references to Erie.

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8.—(1) The Regional Council shall consist of twenty members composed of a chairman and, Composition of Regional Council

- (a) until the 31st day of March, 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) two members of the council of the area municipality of the Township of Delhi who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) three members of the council of the area municipality of the City of Nanticoke who have been elected as members of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Dunnville who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) two members of the council of the area municipality of the Town of Haldimand who have been elected as members of the Regional Council and of the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Simcoe who have been elected as

members of the Regional Council and of the council of such area municipality;

- (g) two members of the council of the area municipality of the Township of Norfolk who have been elected as members of the Regional Council and of the council of such area municipality.

Term of
office

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1974, 1975 and 1976.

Appoint-
ment of
chairman by
Lieutenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 1st day of December, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine.

Election of
chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting,
1974

10.—(1) The first meeting of the Regional Council in the year 1974 shall be held on or after the 1st day of January, 1974, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1974 shall be held not later than the 9th day of April, 1974, and in the year 1977 and in every second year thereafter shall be held not later than the 8th day of January. First meeting of area councils

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council. First meeting of Regional Council

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section. Certificate of qualification

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1970,
c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When Council deemed organized

11.—(1) Ten members of the Regional Council representing all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

- One vote (2) Subject to subsection 3, each member of the Regional Council has one vote only.
- Chairman vote (3) The chairman does not have a vote except in the event of an equality of votes.
- Place of meeting **12.** Subject to section 10, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints.
- Vacancies, chairman **13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.
- Idem (2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council or any other person, to hold office for the remainder of the term of his predecessor.
- Idem (3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.
- Other members (4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.
- Resignation (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.
- Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law

shall have effect for a period longer than one month from its effective date.

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of April, 1974, such annual and other remuneration as the Regional Council may determine. ^{Remuneration}

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. ^{Idem}

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. ^{Committees}

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council. ^{Remuneration of committee chairman}

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. ^{Procedural by-laws}

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. ^{Head of council}

(2) The Regional Council may by by-law appoint a chief administrative officer, who, ^{Chief administrative officer}

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. ^{Application of R.S.O. 1970, c. 284}

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of
R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appoint-
ment of
clerk

20.—(1) The Regional Council shall appoint a clerk, whose duty it is,

(a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council and thereafter until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession

or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land. Index of by-laws affecting land

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. Copies certified by clerk to be receivable in evidence

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council. Appointment of treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer. Deputy treasurer

(3) When the office of the treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. Acting treasurer

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

Signing of
cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the ^{Monthly statement} Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

(2) Where the treasurer is removed from office or absconds, ^{Notice to sureties} the Regional Council shall forthwith give notice to his sureties.

26.—(1) The Regional Council shall by by-law appoint ^{Appointment of auditors} one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

(2) Where an auditor audits the accounts and transactions ^{Cost of audit} of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Minister may upon application finally determine the amount thereof.

(3) No person shall be appointed as an auditor of the ^{Disqualification of auditors} Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

(4) An auditor shall perform such duties as are prescribed ^{Duties of auditors} by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

27.—(1) Notwithstanding the provisions of any other ^{Part of Regional Area school division} Act, on and after the 1st day of April, 1974, the portion of the Regional Area that formerly comprised the County of Haldimand is a school division and The Haldimand County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for such school division. ^{R.S.O. 1970, c. 425}

(2) Notwithstanding the provisions of any other Act, ^{Idem} on and after the 1st day of April, 1974, the portion of the

Regional Area that formerly comprised part of the County of Norfolk is a school division and The Norfolk County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for such school division.

R.S.O. 1970,
c. 425

Haldimand-
Norfolk
County
Roman
Catholic
Separate
School Board,
continued
R.S.O. 1970,
c. 430

(3) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, The Haldimand-Norfolk County Roman Catholic Separate School Board is continued, subject to subsection 4 of section 85 of *The Separate Schools Act*, as a county combined separate school board for the Regional Area.

School board
1974 election
expenses
1972, c. 95

28. Notwithstanding *The Municipal Elections Act, 1972*, the expenses of the area municipalities in respect of the elections in 1974 of members and trustees of the school boards referred to in section 27 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Commence-
ment

29. This Act comes into force on the day it receives Royal Assent.

Short title

30. This Act may be cited as *The Regional Municipality of Haldimand-Norfolk Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I, ,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Haldimand-Norfolk, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Haldimand-Norfolk declare that :

- 1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

CHAPTER 97

**An Act to control the Storage and Supply
of personal Information for rating Purposes**

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “consumer” means a natural person but does not include a person engaging in a transaction, other than relating to employment, in the course of carrying on a business, trade or profession;
- (b) “consumer report” means a written, oral or other communication by a consumer reporting agency of credit information or personal information, or both, pertaining to a consumer for consideration in connection with a purpose set out in clause *d* of subsection 1 of section 8;
- (c) “consumer reporting agency” means a person who for gain or profit or on a regular co-operative non-profit basis furnishes consumer reports;
- (d) “credit information” means information about a consumer as to name, age, occupation, place of residence, previous places of residence, marital status, spouse’s name and age, number of dependants, particulars of education or professional qualifications, places of employment, previous places of employment, estimated income, paying habits, outstanding debt obligations, cost of living obligations and assets;
- (e) “Director” means the Executive Director of the Business Practices Division of the Ministry;
- (f) “employment purposes” means the purposes of taking into employment, granting promotion, reassigning employment duties or retaining as an employee;

- (g) "file", when used as a noun, means all of the information pertaining to a consumer that is recorded and retained by a consumer reporting agency, regardless of the manner or form in which the information is stored;
- (h) "Minister" means the Minister of Consumer and Commercial Relations;
- (i) "person" means a natural person, an association of natural persons, a partnership or a corporation;
- (j) "personal information" means information other than credit information about a consumer's character, reputation, health, physical or personal characteristics or mode of living or about any other matter concerning the consumer;
- (k) "personal information investigator" means a person who obtains or reports personal information to a consumer reporting agency for hire or reward;
- (l) "Registrar" means the Registrar of Consumer Reporting Agencies;
- (m) "regulations" means the regulations made under this Act;
- (n) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

R.S.O. 1970,
c. 113

Agreements
to waive

(2) This Act applies notwithstanding any agreement or waiver to the contrary.

Registrar

2.—(1) There shall be a Registrar of Consumer Reporting Agencies who shall be appointed by the Lieutenant Governor in Council.

Duties

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Registration
required

3. No person shall conduct or act as a consumer reporting agency or act as a personal information investigator unless he is registered by the Registrar under this Act.

Registration
of agencies

4.—(1) An applicant is entitled to registration or renewal of registration as a consumer reporting agency by the Registrar except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) An applicant is entitled to registration or renewal of registration as a personal information investigator by the Registrar except where the past conduct of the applicant affords reasonable grounds for belief that he will not carry out his duties in accordance with law and with integrity and honesty.

(3) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are imposed by the Tribunal or prescribed by the regulations.

(4) A registration is not transferable.

Registration
not
transferable

5.—(1) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4.

Refusal to
register

(2) Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

Revocation
and refusal
to renew

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke

Notice of
proposal to
refuse or
revoke

a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuance
pending
renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired

and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal. Order effective, stay R.S.O. 1970, c. 113

7. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. Further applications

8.—(1) No consumer reporting agency and no officer or employee thereof shall knowingly furnish any information from the files of the consumer reporting agency except, To whom reports may be given

- (a) in response to the order of a court having jurisdiction to issue such an order;
- (b) in accordance with the written instructions of the consumer to whom the information relates;
- (c) in response to an order or direction made under this Act; or
- (d) in a consumer report given to a person who it has reason to believe,
 - (i) intends to use the information in connection with the extension of credit to or the purchase or collection of a debt of the consumer to whom the information pertains,
 - (ii) intends to use the information in connection with the entering into or renewal of a tenancy agreement,
 - (iii) intends to use the information for employment purposes,
 - (iv) intends to use the information in connection with the underwriting of insurance involving the consumer,
 - (v) intends to use the information to determine the consumer's eligibility for any matter under a statute or regulation where the information is relevant to the requirement prescribed by law,

- (vi) otherwise has a direct business need for the information in connection with a business or credit transaction involving the consumer, or
- (vii) intends to use the information for the purpose of up-dating the information in a consumer report previously given to him for one of the reasons referred to in subclauses i to vi.

Idem (2) No person shall knowingly obtain any information from the files of a consumer reporting agency respecting a consumer except for the purposes referred to in subsection 1.

Information as to identities (3) Notwithstanding subsections 1 and 2, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to the Government of Ontario or of Canada or any province thereof or of any agency of such government or the government of any municipality in Canada or any agency thereof or to any police officer acting in the course of his duties, notwithstanding that such information is not to be used for a purpose mentioned in subsection 1.

Sale of files (4) No person who is or has been registered as a consumer reporting agency shall sell, lease or transfer title to its files or any of them except to a consumer reporting agency registered under this Act.

Procedures of agencies **9.—**(1) Every consumer reporting agency shall adopt all procedures reasonable for ensuring accuracy and fairness in the contents of its consumer reports.

Information included in consumer report (2) A consumer reporting agency shall not report,

- (a) any information that is not stored in a form capable of being produced under section 11;
- (b) any information that is not extracted from information appearing in files stored or collected in a repository located in Canada regardless of whether or not the information was obtained from a source outside Canada, except where the consumer report is in writing and contains the substance of any prior information orally acquired that conforms to the requirements of this Act.

Idem (3) A consumer reporting agency shall not include in a consumer report,

- (a) any credit information based on evidence that is not the best evidence reasonably available;

- (b) any unfavourable personal information unless it has made reasonable efforts to corroborate the evidence on which the personal information is based, and the lack of corroboration is noted with and accompanies the information;
- (c) information as to judgments after seven years after the judgment was given, unless the creditor or his agent confirms that it remains unpaid in whole or in part, and such confirmation appears in the file;
- (d) information as to any judgment against the consumer unless mention is made of the name and, where available, the address of the judgment creditor or his agent as given at the date of entry of the judgment and the amount;
- (e) information as to the bankruptcy of the consumer after seven years from the date of the discharge except where the consumer has been bankrupt more than once;
- (f) information regarding any judgments, collections or debts that on their face are statute barred unless it is accompanied by evidence appearing in the file that recovery is not barred by the expiration of a limitation period;
- (g) information as to the payment or non-payment of taxes or lawfully imposed fines after seven years;
- (h) information as to convictions for crimes, after seven years from the date of conviction or, where the conviction resulted in imprisonment, from the date of release or parole, provided information as to convictions for crimes shall not be reported if at any time it is learned that after a conviction an absolute discharge or a full pardon has been granted;
- (i) information regarding writs that are more than seven years old or writs that were issued against the consumer more than twelve months prior to the making of the report unless the consumer reporting agency has ascertained the current status of the action and has a record of this on file;
- (j) information regarding any criminal charges against the consumer where the charges have been dismissed, set aside or withdrawn;
- (k) any other adverse item of information where more than seven years have expired since the information was acquired or last reaffirmed;
- (l) information as to race, creed, colour, sex, ancestry, ethnic origin, or political affiliation; or

- (m) any information given orally in the consumer report unless the content of the oral report is recorded in the file;

Maintenance
of files

(4) Every consumer reporting agency shall maintain in its file respecting a person all the material and information of which the person is entitled to disclosure under section 11.

Disclosure
of report
on request

10.—(1) Every person shall, where requested by a consumer in writing or personally, inform the consumer whether or not a consumer report respecting him has been or is to be referred to in connection with any specified transaction or matter in which such person is engaged, and, if so, of the name and address of the consumer reporting agency supplying the report.

Notice of
intention
to procure
consumer
report

(2) No person shall procure from a consumer reporting agency or cause it to prepare a consumer report containing personal information respecting a consumer unless he notifies the consumer of the fact in writing before the report is requested and, where the consumer so requests in writing or personally, he shall inform the consumer of the name and address of the consumer reporting agency supplying the report.

Idem

(3) Where a person proposes to extend credit to a consumer and a consumer report containing credit information only is being or may be referred to in connection with the transaction, he shall give notice of the fact to the consumer in writing at the time of the application for credit, or if the application is made orally, orally at the time of the application for credit.

Assignee
as creditor

(4) Where, before extending credit, the proposed creditor obtains the acceptance or refusal of an assignment or proposed assignment of the credit transaction by an assignee or proposed assignee, subsection 3 applies to the assignee or proposed assignee in the same manner as to the person proposing to extend credit, but the giving of a notice under subsection 3 by a person proposing to extend credit or under this subsection by his assignee or proposed assignee shall be deemed to be sufficient notice by both.

Limitation
on divulgence
of
information

(5) No person extending credit to a consumer shall divulge to other credit grantors or to a consumer reporting agency any personal information respecting the consumer except with the consent of the consumer or on his referral unless he notifies the consumer in writing at the time of the application for credit that he intends to do so.

Form of
notice

(6) Any notice referred to in this section shall be clearly set forth in bold type or underlined and in letters not less than ten point in size.

(7) Where a benefit is denied to a consumer or a charge ^{Adverse action} to a consumer is increased either wholly or partly because of information received from a consumer reporting agency or a person other than a consumer reporting agency, the user of such information shall deliver to the consumer at the time such action is communicated to the consumer notice of the fact and, upon the request of the consumer made within sixty days after such notice, shall inform the consumer,

- (a) of the nature and source of the information where the information is furnished by a person other than a consumer reporting agency; or
- (b) of the name and address of the consumer reporting agency, where the information is furnished by a consumer reporting agency,

and the notice required to be given by the user under this subsection shall contain notice of the consumer's right to request the information referred to in clauses *a* and *b* and the time limited therefor.

11.—(1) Every consumer reporting agency shall, at the ^{Right of consumer to disclosure} written request of a consumer and during normal business hours, clearly and accurately disclose to the consumer, without charge,

- (a) the nature and substance of all information in its files pertaining to the consumer at the time of the request;
- (b) the sources of credit information;
- (c) the names of the recipients of any consumer report pertaining to the consumer that it has furnished,
 - (i) containing personal information, within the one year period preceding the request, and
 - (ii) containing credit information, within the six month period preceding the request;
- (d) copies of any written consumer report pertaining to the consumer made to any other person or, where the report was oral, particulars of the content of such oral report, furnished,
 - (i) where the report contains personal information, within the one year period preceding the request, and

- (ii) where the report contains credit information, within the six month period preceding the request,

and shall inform the consumer of his right to protest any information contained in the file under sections 12 and 13 and the manner in which a protest may be made.

Exception for
certain
medical
information

(2) A consumer reporting agency shall withhold from the disclosures required by subsection 1 any medical information obtained with the written consent of the consumer which the consumer's own physician has specifically requested in writing be withheld from the consumer in his own best interest.

Method of
disclosure

(3) The disclosures required under this section shall be made to the consumer,

(a) in person if he appears in person and furnishes proper identification;

(b) by telephone if he has made a written request, with sufficient identification, for telephone disclosure and the toll charge, if any, for the telephone call is pre-paid by or charged directly to the consumer.

Idem

(4) Every consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him under this section.

Consumer's
adviser

(5) The consumer shall be permitted to be accompanied by one other person of his choosing to whom the consumer reporting agency may be required by the consumer to disclose his file.

Abstract

(6) The consumer reporting agency shall permit the consumer to whom information is disclosed under this section to make an abstract thereof.

Identification

(7) A consumer reporting agency shall require reasonable identification of the consumer and a person accompanying him before making disclosures under this section.

No
conditions

(8) A consumer reporting agency shall not require a consumer to give any undertaking or waive or release any right as a condition precedent to his access to his file under this section.

Correction
of errors

12.—(1) Where a consumer disputes the accuracy or completeness of any item of information contained in his file, the consumer reporting agency within a reasonable time shall

use its best endeavours to confirm or complete the information and shall correct, supplement or delete the information in accordance with good practice.

(2) Where a consumer reporting agency corrects, supplements or deletes information under subsection 1, the consumer reporting agency shall furnish notification of the correction, supplement or deletion to,

- (a) all persons who have been supplied with a consumer report based on the unamended file within sixty days before the correction, supplement or deletion is made; and
- (b) the persons specifically designated by the consumer from among those who have been supplied with a consumer report based on the unamended file,
 - (i) where the report contains personal information, within the one year period preceding the correction, supplement or deletion, and
 - (ii) where the report contains credit information, within the six month period preceding the correction, supplement or deletion.

13.—(1) The Registrar may order a consumer reporting agency to amend or delete any information, or by order restrict or prohibit the use of any information, that in his opinion is inaccurate or incomplete or that does not comply with the provisions of this Act or the regulations.

(2) The Registrar may order a consumer reporting agency to furnish notification to any person who has received a consumer report of any amendments, deletions, restrictions or prohibitions imposed by the Registrar.

(3) Where the consumer or consumer reporting agency considers himself aggrieved by a decision of the Registrar under this section, he may apply to the Tribunal for a hearing and section 6 applies, *mutatis mutandis*, to the decision in the same manner as to a proposal by the Registrar under section 6 and as if the consumer and the consumer reporting agency each were an applicant or registrant, except that an order of the Registrar may be issued and take effect immediately, but the Tribunal may grant a stay until the order becomes final.

(4) At a hearing before the Tribunal for the purposes of subsection 3, the Tribunal may require the consumer reporting agency to disclose the source of any information contained in its files.

Notice of
material
changes

14. Every consumer reporting agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership; and
- (c) any commencement or termination of employment of a personal information investigator.

Investigation
of
complaints

15.—(1) Where the Registrar receives a written complaint in respect of a consumer reporting agency and so directs in writing, the consumer reporting agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The direction under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice at any reasonable time enter upon the business premises of the consumer reporting agency to make an inspection in relation to the complaint.

Investigation
on order
of Minister

16. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under the Act.

1971, c. 49

Investigation
by Director

17.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970,
c. C-34

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section and, notwithstanding section 8, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, ^{Powers of investigator}

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents, consumer files and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. ^{1971, c. 49}

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. ^{Entry and search}

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose ^{Removal of books, etc.}

affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Certified
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of expert

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

18.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 15, 16 or 17 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil
suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

19.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address except that a notice under section 10, 12 or 14 is sufficiently given if sent by ordinary mail.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the third day after the day of mail-

ing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

20.—(1) Where it appears to the Director that any person ^{Restraining order} does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Supreme Court from an order made ^{Appeal} under subsection 1.

21. No person shall knowingly supply false or misleading ^{False information} information to another who is engaged in making a consumer report.

22.—(1) Every person who, Offences

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under ^{Corporations} subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceeding under clause *a* of subsection 1 shall be ^{Limitation} commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate
as evidence

23.—(1) A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of
Minister's
signature

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

Regulations

24. The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of persons from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered consumer reporting agencies to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

- (f) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by consumer reporting agencies;
- (g) prescribing information that may not be reported by a consumer reporting agency or contained in its files;
- (h) prescribing information that must be contained in a consumer report;
- (i) requiring consumer reporting agencies to make returns and furnish information to the Registrar;
- (j) prescribing forms for the purposes of this Act and providing for their use;
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

25.—(1) Notwithstanding any provision of this Act, a consumer reporting agency is not required to disclose the source of any information acquired before this Act comes into force. Disclosure of sources before Act in force

(2) This section is repealed on the 1st day of July, 1975. Repeal of section

26. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

27. This Act may be cited as *The Consumer Reporting Act, 1973*. Short title

CHAPTER 98

An Act to amend The Conservation Authorities Act*Assented to October 30th, 1973**Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Conservation Authorities Act*, ^{s. 3 (2),} being chapter 78 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(2) Where a municipality is only partly within the watershed, ^{Area over which} the Lieutenant Governor in Council may include the whole or ^{authority} that part of the municipality in the area over which the ^{has juris-} authority has jurisdiction ^{diction}.

2. Clause *c* of subsection 4 of section 5 of the said Act, as re-enacted ^{s. 5 (4) (c),} by the Statutes of Ontario, 1971, chapter 64, section 2, is ^{repealed} repealed.

- 3.—(1) Clause *a* of subsection 2 of section 7 of the said Act is ^{s. 7 (2) (a),} amended by striking out “and designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to the Authority” in the third, fourth, fifth and sixth lines.

(2) Clause *b* of subsection 2 of the said section 7 is repealed. ^{s. 7 (2) (b),} ^{repealed}

4. The said Act is amended by adding thereto the following section: ^{s. 7a,} ^{enacted}

7a. The Lieutenant Governor in Council may designate any ^{Grouping of municipi-} group of municipalities that shall be considered as one ^{palities} municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities.

5. Section 11 of the said Act is amended by striking out “8” in the ^{s. 11,} fourteenth line and inserting in lieu thereof “9”. ^{amended}

6. Section 13 of the said Act is amended by adding thereto the ^{s. 13,} following subsection: ^{amended}

Idem

(1*a*) Where the total number of members that may be appointed under subsection 1 is less than four, the Lieutenant Governor in Council may increase the total number of members that may be appointed and determine the number of members that a participating municipality may appoint.

s. 23,
amended

7. Section 23 of the said Act is amended by adding thereto the following subsection:

Exception

(1*a*) Notwithstanding subsection 1, the approval of the Ontario Municipal Board is not required in respect of a project that is composed of phases, each of which can be implemented in any year without a participating municipality being required to raise funds for a phase other than in the year of implementation of the phase, provided that each phase shall be deemed to be a project for the year of its implementation for the purposes of section 24.

s. 27 (1) (*b*),
amended

8.—(1) Clause *b* of subsection 1 of section 27 of the said Act is amended by inserting after “regulating” in the first line “or requiring the permission of the authority for”.

s. 27 (1) (*e*),
amended

(2) Clause *e* of subsection 1 of the said section 27, as re-enacted by the Statutes of Ontario, 1971, chapter 64, section 5, is amended by inserting after “regulating” in the first line “or requiring the permission of the authority for”.

s. 27 (1) (*f*),
amended

(3) Clause *f* of subsection 1 of the said section 27 is amended by inserting after “regulating” in the first line “or requiring the permission of the authority for”.

s. 27,
amended

(4) The said section 27, as amended by the Statutes of Ontario, 1971, chapter 64, section 5, is further amended by adding thereto the following subsections:

Hearing

(2*a*) Before refusing permission required under a regulation made under clause *b*, *e* or *f* of subsection 1, the authority, or where the power to issue permission has been delegated to its executive committee, the executive committee shall hold a hearing to which the applicant shall be a party.

Reasons
for
decision

(2*b*) After holding a hearing under subsection 2*a*, the authority or committee, as the case may be, shall give written reasons for its refusal to the applicant.

Appeal

(2*c*) An applicant who has been refused permission may, within thirty days of the receipt of the reasons for the decision, appeal to the Minister who may dismiss the appeal or grant the permission.

9. No regulation made under clause *b, e* or *f* of subsection 1 of section 27 of *The Conservation Authorities Act*, or any predecessor thereof, shall be held to be invalid by reason of its being made before section 8 of this Act comes into force. Absence of
invalidity
10. Section 36 of the said Act is repealed and the following substituted therefor: s. 36,
re-enacted
36. *The Municipal Conflict of Interest Act, 1972* applies *mutatis mutandis* to a member of a conservation authority. Conflict
of interest
1972, c. 142
11. This Act comes into force on the day it receives Royal Assent. Commence-
ment
12. This Act may be cited as *The Conservation Authorities Amendment Act, 1973*. Short title

CHAPTER 99

The Gasoline Tax Act, 1973

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “assessment” includes a reassessment;
- (b) “aviation fuel” means any gas or liquid that is sold to be used or is used to create power in an aircraft and any product that is designated to be aviation fuel by the regulations;
- (c) “collector” means a person appointed in writing by the Minister to be a collector of tax under this Act;
- (d) “gasoline” means any gas or liquid that may be used for the purpose of generating power by means of internal combustion and includes any substance added thereto, but does not include the following products, except when any such product is mixed or combined with gasoline,
 - (i) aviation fuel, except when used or intended to be used to generate power by means of internal combustion in a vehicle other than an aircraft,
 - (ii) the products commonly known as diesel fuel, fuel oil, coal oil or kerosene,
 - (iii) products excluded from this Act by the regulations;
- (e) “importer” means any person, other than a collector, who receives in Ontario gasoline or aviation fuel from a person outside Ontario who is not a collector, or who receives outside Ontario gasoline or aviation

fuel for the purpose of resale in Ontario or for his own use or the use of others at his expense in Ontario;

- (f) "Minister" means the Minister of Revenue;
- (g) "prescribed" means prescribed by the regulations made under this Act;
- (h) "purchaser" means any person purchasing or receiving delivery in Ontario of gasoline or aviation fuel for his own use or for the use of others at his expense, and includes an importer who brings into Ontario gasoline or aviation fuel for his own use or the use of others at his expense;
- (i) "regulations" means the regulations made under this Act;
- (j) "retailer" means a person who sells gasoline or aviation fuel for use by a purchaser and not for resale;
- (k) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "wholesaler" means a person who sells gasoline or aviation fuel for the purpose of resale. R.S.O. 1970, c. 190, s. 1, *amended*.

Tax payable
by purchaser

2.—(1) Every purchaser of gasoline shall pay to the Treasurer a tax at the rate of 19 cents per imperial gallon on all gasoline purchased or the delivery of which is received by him. 1972, c. 13, s. 1.

Tax on
aviation
fuel

(2) Every purchaser of aviation fuel shall pay to the Treasurer a tax at the rate of 3 cents per imperial gallon on all aviation fuel purchased or the delivery of which is received by him. R.S.O. 1970, c. 190, s. 2 (2).

Tax to be
paid at time
of sale

(3) A purchaser, other than an importer, shall pay the tax imposed by this Act at the time of the purchase or delivery, as the case may be. *New*.

Retailer to
collect
tax from
purchaser

3.—(1) No retailer in Ontario shall sell or deliver to a purchaser any gasoline or aviation fuel without collecting from the purchaser the tax imposed by this Act, and for the purpose of collecting such tax every retailer is an agent of the Minister.

Retailer to
pay tax to
collector

(2) Every retailer who is not also a collector shall pay over the tax collected by him to a collector at the time and in the manner required by this Act and the regulations. *New*.

4.—(1) Every importer shall remit to the Treasurer, at the time and in the manner prescribed, the tax payable by him in respect of the gasoline or aviation fuel imported by him into Ontario for his own use or the use of others at his expense. Importers to remit tax

(2) Every importer who sells in Ontario gasoline or aviation fuel shall collect and remit to the Treasurer, at the time and in the manner prescribed, the tax imposed by this Act in respect of such gasoline or aviation fuel, and for the purpose of collecting such tax every importer is an agent of the Minister. *New.* Idem

5. Every purchaser is liable for the tax imposed by this Act until he has paid it. *New.* Purchaser liable for tax

6.—(1) The Minister may appoint any person who is in the business of manufacturing gasoline or aviation fuel or of selling gasoline or aviation fuel for resale in Ontario to be a collector under this Act. Appointment of collector

(2) No person shall, unless he is a collector, a wholesaler or an importer, sell in Ontario for resale or deliver in Ontario for resale any gasoline or aviation fuel. Only collector, wholesaler or importer may sell in Ontario for resale

(3) Every collector shall at the times and in the manner prescribed collect from any wholesaler, retailer or purchaser to whom the collector sells gasoline or aviation fuel the tax collectable and payable under this Act, and for that purpose every collector is an agent of the Minister for the collection of the tax imposed by this Act and for the remittance thereof to the Treasurer. Collector to collect tax

(4) No collector shall collect the tax imposed by this Act on the sale by him of gasoline or aviation fuel to a collector who is not a purchaser in respect of such gasoline or aviation fuel. Idem

(5) No person appointed a collector under subsection 1 shall thus be made ineligible as a member of the Assembly. *New.* Idem

7.—(1) The Minister may suspend or cancel the appointment of any person appointed to be a collector where, Termination of collector's appointment

(a) the person contravenes any of the provisions of this Act or the regulations; or

(b) the person has not delivered or sold, for resale in Ontario, any gasoline or aviation fuel for a period of three months,

but before a suspension or cancellation is made such person shall be afforded an opportunity to appear before the Minister to show cause why the appointment as a collector should not be suspended or cancelled, as the case may be.

Idem

(2) Notwithstanding subsection 1, where a collector has failed to remit the tax that he has collected or any tax that was payable by him under this Act at the time and in the manner demanded of him, the Minister may, by notice in writing to the collector and without a hearing, suspend forthwith the appointment of the collector, and the notice shall state the failure of the collector for which his appointment is suspended, and the Minister shall, within fifteen days of the service of such notice of suspension, hold a hearing to determine whether the suspension of the collector's appointment should be rescinded or whether the collector's appointment should be cancelled.

Notice
terminating
collector's
appointment

(3) Notice of suspension or cancellation of the appointment of a collector is properly served if served either personally or by registered mail sent to the latest known address of the collector. *New.*

Returns

8.—(1) Every collector shall deliver to the Minister, without notice or demand, a return of tax collectable by him at the time and in the manner prescribed in the regulations.

Idem

(2) Every return shall be verified by a certificate of the collector and, if the collector is not an individual, of any one of its officers or its resident manager or representative in Ontario, certifying that the financial and other statements of information included therein or attached thereto are in agreement with the books of the collector and exhibit truly, correctly and completely all information for the period covered by the return.

Failure
to comply

(3) Every collector who fails to comply with subsection 1 of this section shall pay a penalty of \$200.

Incomplete
returns

(4) Every collector who fails to complete the information required in the return to be delivered to the Minister under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$200. *New.*

Trans-
mission of
tax

9. Every collector shall remit with the return required by section 8 the amount of the tax payable by him or collectable by him, as the case may be, as shown therein. *New.*

Tax moneys
are trust
moneys

10.—(1) Every person who collects any tax under this Act shall be deemed to hold such tax in trust for Her

Majesty the Queen in right of Ontario and shall remit to the Treasurer all such tax at such times and in such manner as is required by this Act and the regulations.

(2) Every tax that is payable under this Act by a collector ^{Idem} or importer in respect of gasoline or aviation fuel of which he is the purchaser is deemed to be trust moneys in the hands of the collector or importer, as the case may be, held by him in trust for Her Majesty the Queen in right of Ontario, and the collector or importer shall remit to the Treasurer all such tax at the times and in the manner required by this Act and the regulations. *New.*

11.—(1) Where any person fails to make a return or ^{Assessment} remittance as required under this Act or the regulations or if his returns are not substantiated by his records, the Minister may make an assessment of the tax collectable by such person or of the tax, interest or penalty payable by such person, as the case may be, for which he has not accounted.

(2) Where the Minister has made an assessment under sub-^{Notice of assessment} section 1, he shall send by mail or by registered mail or deliver by personal service a notice of assessment to the person so assessed, and the amount of the assessment shall be remitted to the Treasurer by the person so assessed within thirty days from the date of mailing or delivery of the notice of assessment.

(3) Where the Minister has made an assessment under ^{Notice of assessment} subsection 1, the notice of assessment may provide that the ^{under subs. 1} amount owing is payable forthwith.

(4) The Minister may, at any time he considers reasonable, ^{Assessment from time to time} assess or reassess any tax collectable or any tax, interest or penalty payable by any person under this Act or under *The R.S.O. 1970, c. 190 Gasoline Tax Act.*

(5) Where it appears from an inspection, audit or examina-^{Assessment on inspection} tion of the books of account, records or documents of any collector, wholesaler, retailer or purchaser that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collectable or payable in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of the tax collectable or of the tax, interest or penalty payable, as the case may be.

Notice of
assessment
under
subs. 4 or 5

(6) The Minister shall send by mail or by registered mail or deliver by personal service a notice of the assessment made under subsection 4 or 5 to the person so assessed, at his latest known address, or where the person has more than one address, one of which is in Ontario, the notice shall be sent to his address in Ontario, and the notice may provide that the amount owing is payable forthwith.

Continuation
of liability
for tax

(7) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Minister
not bound
by returns

(8) The Minister is not bound by a return or information delivered by or on behalf of any person under this Act and may, notwithstanding any return or information delivered or if no return or information has been delivered, assess the tax payable under this Act.

Assessment
valid and
binding

(9) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Idem

(10) The amount of any assessment is payable within the time required by the notice of assessment whether or not an objection or appeal from the assessment is made or taken.
New.

Unpaid taxes
to bear
interest

12.—(1) Any amount payable or to be remitted to the Treasurer under this Act bears interest, at the rate prescribed by the regulations, from the day on which the amount should have been paid or remitted to the Treasurer to the day of payment.

Payments
applied
first to
interest

(2) Any payment to the Treasurer under this Act, other than a payment of penalties and other than fines imposed for offences, shall first be applied to any interest payable by the person making the payment or on account of whom the payment is made. *New.*

Notice of
objection

13.—(1) Where a person objects to an assessment made under section 11, he may, within ninety days from the day of mailing or delivery by personal service of the notice of assessment, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

(2) A notice of objection under this section shall be served^{Service} by being sent by registered mail addressed to the Minister.

(3) Upon receipt of a notice of objection, the Minister shall^{Reconsideration} with all due dispatch reconsider the assessment and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the person who has made the objection of his action by registered mail. *New.*

14.—(1) After the Minister has given the notification re-^{Appeal}quired by subsection 3 of section 13, a person who has served notice of objection under section 13 may appeal to the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 3 of section 13, and an appeal under this section shall not be made to the Divisional Court.

(2) An appeal to the Supreme Court shall be instituted^{Appeal, how instituted} by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or with the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

(3) A notice of appeal shall be served on the Minister by being^{Service} sent by registered mail addressed to the Minister.

(4) The person appealing shall set out in the notice of^{Content of notice of appeal} appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

(5) After the service on him of a notice of appeal under^{Reply to notice of appeal} this section, the Minister shall with all due dispatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

(6) Upon the filing of the material referred to in subsection 5, the matter shall be deemed to be an action in the^{Matter deemed action} court.

(7) The court may dispose of the appeal by,

^{Disposition of appeal}

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the original assessment, or

(iv) referring the assessment back to the Minister for reconsideration and reassessment.

Idem (8) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or by the Treasurer, as the case may be, and may make such order as to costs as is considered proper.

Procedure (9) The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed to be an action under subsection 6, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

Irregularities (10) No assessment shall be vacated or varied on appeal by reason only of an irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act.

Extension of time (11) The time within which a notice of objection under subsection 1 of section 13 or a notice of appeal under subsection 1 of this section is to be served may be extended by the Minister if application for extension is made before expiration of the time for service of the notice of objection or notice of appeal, as the case may be. *New.*

Records to be kept **15.**—(1) Every collector, importer, wholesaler or retailer shall keep at his principal place of business records and books of account in such form and containing such information as will enable the accurate determination of the taxes collectable or payable under this Act.

Idem (2) Every collector and importer shall, until written permission for their disposal is received from the Minister, retain

every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. *New.*

16.—(1) Any person thereunto authorized by the Minister ^{Investiga-}_{tions} for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises where any business is carried on or any property is kept or anything is done in connection with any business or where any books or records are or should be kept pursuant to this Act, and may,

- (a) audit or examine the books, records, accounts, vouchers, letters, telegrams or other documents that relate or may relate to either the information that is or should be in the books or records or to the amount of tax collectable or payable under this Act;
- (b) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax collectable or payable under this Act;
- (c) require a purchaser, retailer, wholesaler, importer or collector liable to collect or pay or considered possibly liable to collect or pay tax under this Act or, if such purchaser, retailer, wholesaler, importer or collector is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such purchaser, retailer, wholesaler, importer or collector to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(2) The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any purchaser, retailer, wholesaler, importer or collector, or if such purchaser, retailer, wholesaler, importer or collector is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

(a) any information or a return as required under this Act or the regulations; or

(b) production or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding for or paying or liable to pay any amount to a purchaser, retailer, wholesaler, importer or collector, or from any partner, agent or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

Idem

(4) The Minister may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Ministry of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Production
of evidence
to prove tax
payable by
another
person

(5) The Minister may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such

person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is collectable or payable under this Act by any purchaser or collector, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

(6) Where a book, record or other document has been ^{Copies} seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(7) No person shall hinder or molest or interfere with any ^{Compliance} person doing anything that he is authorized by this section to do or prevent or attempt to prevent any person doing any such thing.

(8) Notwithstanding any other law to the contrary, every ^{Idem} person shall, unless he is unable to do so, do everything he is required by this section to do.

(9) Declarations or affidavits in connection with returns <sup>Administra-
tion of
oaths</sup> delivered under this Act or statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor. *New.*

17. The Minister may extend the time for making any <sup>Extended
time for
making
returns</sup> return either before or after the time for making it has expired. *New.*

18.—(1) Upon default of payment of an amount assessed <sup>Recovery
of tax</sup> under section 11,

- (a) the Minister may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; and

(b) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount of the tax, interest and penalty or any of them owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

Compliance
to be proved
by affidavit

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

Remedies
for recovery
of tax

(3) The use of any of the remedies provided by this section does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of Her Majesty the Queen in right of Ontario. *New.*

Garnishment

19.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee. Services of garnishee

(5) Where the persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. *New.* Idem

20.—(1) Every person required to collect the tax imposed by this Act who fails to collect the tax is liable on summary conviction to a fine of not less than \$200 and not more than an amount equal to the amount of tax that should have been collected as determined under subsection 4. Penalty for failure to collect tax

(2) Every employee of a person required to collect the tax imposed by this Act who permits or authorizes or is a party or privy to supplying gasoline or aviation fuel to a purchaser without collecting from the purchaser the tax imposed by this Act is guilty of an offence and on summary conviction is liable to a fine equal to the amount of the tax that should have been collected as determined under subsection 4. Penalty for failure of employee to collect tax

(3) Every person who is required to remit to a collector or to the Treasurer the tax imposed by this Act who fails to remit the tax is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than an amount equal to the amount of the tax that should have been remitted as determined under subsection 4. Idem

(4) The Minister shall determine the amount of the tax referred to in subsections 1, 2 and 3 from such information as is available to him and shall issue a certificate as to the amount, but except where the Minister considers that there has been deliberate evasion of this Act, he shall not take into account a period of more than three years in determining the amount of tax referred to in the certificate. Idem

Idem

(5) In any prosecution under subsection 1, 2 or 3 a certificate that is signed or that purports to be signed by the Minister or Deputy Minister of Revenue and that states the amount of tax that should have been collected or remitted, as the case may be, is *prima facie* evidence of the amount of tax that should have been collected or remitted and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Idem

(6) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Idem

(7) Neither the application of any provision of this section nor the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act. *New.*

Offences

21.—(1) Every person who has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each day during which the default continues.

Idem

(2) Every person who contravenes section 16 is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues. *New.*

False
statements

22. Every person who has,

- (a) made, participated in, assented to or acquiesced in the making of false or deceptive statements in a return, certificate, statement or answer, delivered or made as required by or under this Act or the regulations;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a purchaser, retailer, wholesaler or collector;
- (c) made, assented to or acquiesced in the making of, false or deceptive entries or omitted, assented to or acquiesced in the omission, to enter a material particular in records or books of account of a purchaser, retailer, wholesaler or collector;

- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit any offence described in clauses *a* to *d* inclusive,

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than \$200 and not more than an amount equal to double the amount of the tax that should have been declared to be collectable or payable or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both. *New.*

23. Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$25 and not more than \$200, and for any subsequent offence to a fine of not less than \$100 and not more than \$500. R.S.O. 1970, c. 190, s. 5, *amended*. General
penalty

24. Any officer, director or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in the commission of any act which is an offence under this Act for which the corporation would be liable for prosecution is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. *New.* Officers,
etc., of
corporations

25. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose. R.S.O. 1970, c. 190, s. 7, *amended*. Limitation

26. Fines imposed under this Act shall be paid to the Treasurer on behalf of Her Majesty the Queen in right of Ontario, and every penalty imposed by this Act is payable upon and in accordance with the demand of the Minister. R.S.O. 1970, c. 190, s. 8, *amended*. Fines
payable to
Treasurer

27.—(1) Where a person has remitted to the Treasurer a greater amount of money for a period than was required by this Act to be remitted for that period, or a greater amount than was payable by the person, the Treasurer shall either refund the overpayment or, at the option of the Minister, apply the amount of the overpayment to liability of the person with respect to a previous or subsequent period, in which latter case the Minister shall notify the person of such action. Over-
payments

Idem

(2) Where an amount in respect of an overpayment is refunded or applied on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing on the day the overpayment arose and ending with the day of refunding or application on other liability, unless the amount of interest so calculated is less than \$5 in which event no interest need be paid or applied under this subsection.

Idem

(3) Where by a decision of the Minister under section 13 or by a decision of the court it is finally determined that the tax payable under this Act by a person is less than the amount assessed by the assessment to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment of tax, the interest payable under subsection 2 on the overpayment shall be computed at the rate prescribed by the regulations. *New.*

Refunds

28. Any amount refunded under this Act in excess of the amount to which the person receiving the refund was entitled shall be deemed to be tax owing to the Treasurer, and the sections of this Act relating to the assessment (including objection and appeal therefrom) and collection of taxes apply *mutatis mutandis* to the said amount. *New.*

Relief
from
interest

29. Where, owing to special circumstances, it is considered inequitable that the whole amount of interest imposed by this Act be paid, the Minister may exempt a person from payment of the whole or any part of the interest. *New.*

Communica-
tion of
information

30.—(1) Except as authorized by this section, no person employed by the Government of Ontario shall,

(a) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act; or

(b) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act. R.S.O. 1970, c. 190, s. 6 (1), *amended.*

Officials not
compellable
as witnesses

(2) Notwithstanding any other Act, but subject to subsection 3, no person employed by the Government of Ontario shall be required, in connection with any legal proceedings,

- (a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or
 - (b) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.
- (3) Subsections 1 and 2 do not apply in respect of, Exceptions
for legal
proceedings
- (a) criminal proceedings under any Act of the Parliament of Canada; or
 - (b) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or
 - (c) proceedings relating to the administration or enforcement of this Act or the collection or assessment of tax.
- (4) A person employed by the Government of Ontario may, in the course of his duties in connection with the administration or enforcement of this Act, Exception
for internal
adminis-
tration
- (a) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes any information obtained by or on behalf of the Minister for the purposes of this Act; and
 - (b) allow an official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.
- (5) Notwithstanding anything in this Act, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to, Exception for
objection or
appeals, etc.
- (a) the person from whom the book, record, writing, return or other document was obtained; or
 - (b) any person,
 - (i) for the purposes of any objection or appeal that has been or may be taken by that person

under this Act arising out of any assessment of tax, interest or penalties under this Act in connection with which the book, record, writing, return or other document was obtained, or

- (ii) by whom any amount payable under this Act is payable or has been paid,

or the legal representative of any person mentioned in clause *a* or *b* or the agent of any such person authorized in writing in that behalf. *New.*

Exception
for tax
enforcement
in other
jurisdictions

(6) Notwithstanding anything in this Act, the Minister may permit information or a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

- (a) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purposes of administration of any Act of the Parliament of Canada imposing any tax or duty; or
- (b) a minister of the government of any province of Canada or officer or employee employed under that minister, for the purposes of administering and enforcing an Act of the Legislature of that province imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of another province, as the case may be, is permitted to give to the Minister information or copies of any book, record, writing, return or other document obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province, as the case may be, in the administration or enforcement of that Act for the purposes of the administration of this Act. R.S.O. 1970, c. 190, s. 6 (2), *amended*.

Regulations

31. The Lieutenant Governor in Council may make regulations,

- (a) providing for the collection of the tax imposed by this Act;
- (b) requiring the furnishing of surety bonds by persons charged with the collection of the tax imposed by this Act and prescribing the form and amount of such bonds;

- (c) providing for the accounting for and paying over of any sums of money collected by or payable to the persons charged with the collection of the tax imposed by this Act and regulating the time and manner of such accounting and payment;
- (d) prescribing the returns and statements to be made by importers, manufacturers, wholesalers, retailers and purchasers of gasoline or aviation fuel, the information to be given in such returns and statements and by whom and in what manner they shall be made, and prescribing the records to be kept by such persons;
- (e) excluding products from this Act;
- (f) designating products to be aviation fuel;
- (g) exempting any class of persons from the payment of the tax imposed by this Act;
- (h) providing for the refund of the tax paid under this Act, or any portion thereof, to any purchaser or class of purchasers and prescribing the records and material to be furnished upon any application for a refund;
- (i) providing for the refund of tax in whole or in part owing to special circumstances, and prescribing the terms and conditions under which such refund may be made;
- (j) prescribing the rates of interest payable under this Act;
- (k) prescribing forms to be used for the purpose of this Act or the regulations;
- (l) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
1972, c. 13, s. 2, *amended*.

32. *The Gasoline Tax Act and The Gasoline Tax Amendment Act, 1972* are repealed.

R.S.O. 1970,
c. 190,
1972, c. 13,
repealed

Commence-
ment

33. This Act comes into force on the day it receives Royal Assent.

Short title

34. This Act may be cited as *The Gasoline Tax Act, 1973*.

CHAPTER 100

**An Act to establish the
Ministry of Housing**

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "Deputy Minister" means the Deputy Minister of Housing;
 - (b) "Minister" means the Minister of Housing;
 - (c) "Ministry" means the Ministry of Housing.
2. There shall be a ministry of the public service to be known as the Ministry of Housing. Ministry
established
3. The Minister shall preside over and have charge of the Ministry. Minister to
have charge
4. The Minister is responsible for the administration of this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. Duties of
Minister
of Housing
- 5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Housing who shall be the deputy head of the Ministry. Deputy
Minister
of Housing
 - (2) Such officers and employees as are required from time to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*. Staff

R.S.O. 1970,
c. 386
 - (3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. Protection
from
personal
liability

Liability
of Crown
R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted.

Moneys
required by
Ministry

6. The expenditures of the Ministry for the fiscal year ending the 31st day of March, 1974, as approved by the Lieutenant Governor in Council, shall be paid out of the Consolidated Revenue Fund and thereafter the expenditures of the Ministry shall be paid out of the moneys appropriated therefor by the Legislature.

Objectives
of Minister

7. The Minister or the Deputy Minister, subject to the direction and control of the Minister, shall,

- (a) make appropriate recommendations to the Government of Ontario on policies and objectives on housing and related matters with regard to the short-term and long-term housing needs of the people of Ontario;
- (b) make recommendations for the effective co-ordination of all housing and related matters within the Government of Ontario, with a view to ensuring the consistent application of policy;
- (c) advise and otherwise assist the Government of Ontario in its dealings with other governments regarding housing and related matters; and
- (d) advise and otherwise assist local authorities and other persons involved in local planning and development of housing with regard to realizing the objectives of the Government of Ontario for housing and related matters.

Delegation
of powers
and duties

8. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation.

Advisory
committees

9. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the

terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees.

10. The Minister after the close of each fiscal year shall ^{Annual report} submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

11. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

12. This Act may be cited as *The Ministry of Housing* ^{Short title} *Act, 1973.*

CHAPTER 101

The Co-operative Corporations Act, 1973

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

1. “articles of incorporation” or “articles” means the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which a co-operative is incorporated, and includes any amendments thereto;
2. “authorized capital” means the authorized capital as determined under section 25;
3. “certificate of incorporation” includes letters patent, a special Act or any other instrument by which a co-operative is incorporated;
4. “certified copy” means,
 - i. in relation to a document of a co-operative, a copy of the document certified to be a true copy under the seal of the co-operative and signed by an officer thereof,
 - ii. in relation to a document issued by a court, a copy of the document certified to be a true copy under the seal of the court and signed by the registrar or clerk thereof,
 - iii. in relation to a document in the custody of the Ministry, a copy of the document certified to be a true copy under the seal of the

Minister and signed by the Minister or by such officer of the Ministry as is designated by the regulations;

5. "co-operative" means a corporation carrying on an enterprise on a co-operative basis and to which this Act applies;
6. "co-operative basis" means organized, operated and administered upon the following principles and methods,
 - i. each member or delegate has only one vote,
 - ii. no member or delegate may vote by proxy,
 - iii. interest on loan capital and dividends on share capital are limited to a percentage fixed by this Act or the articles of incorporation, and
 - iv. the enterprise of the corporation is operated as nearly as possible at cost after providing for reasonable reserves and the payment or crediting of interest on loan capital or dividends on share capital; and any surplus funds arising from the business of the organization, after providing for such reasonable reserves and interest or dividends, unless used to maintain or improve services of the organization for its members or donated for community welfare or the propagation of co-operative principles, are distributed in whole or in part among the members in proportion to the volume of business they have done with or through the organization;
7. "corporation" means a corporation with or without share capital whether or not it is a co-operative to which this Act applies;
8. "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
9. "debt obligation" means a bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;

10. "direct charge co-operative" means a co-operative that deals with its members and prospective members only in products or services on a cost basis and that directly charges its members a fee to cover the operating expenses of the co-operative;
11. "financial statement" means a financial statement referred to in section 128;
12. "issued capital" means the issued capital as determined under section 29;
13. "member" means a person who is a member of a co-operative pursuant to the provisions of this Act or the articles and by-laws of the co-operative governing membership;
14. "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;
15. "Ministry" means the Ministry of the Minister;
16. "officer" means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, any assistant secretary, the treasurer, any assistant treasurer, the general manager, or any other person designated an officer by by-law or by resolution of the directors or any other individual who performs functions for the co-operative similar to those normally performed by an individual occupying any such office;
17. "personal representative", where used with reference to the holding of shares or loans or the exercise of a member's rights in that capacity, means in the capacity of an executor, administrator, guardian, tutor, trustee, receiver or liquidator of the member, shareholder or lender or the committee of or curator to the member, shareholder or lender who is a mentally incompetent person;
18. "prescribed" means prescribed by the regulations;
19. "regulations" means the regulations made under this Act;
20. "related person", where used to indicate a relationship with any person, means,

- i. any spouse, son or daughter of that person, or
 - ii. any relative of such person or of his spouse, other than a relative referred to in subparagraph i, who has the same home as such person;
21. "resident Canadian" means a Canadian citizen or person lawfully admitted to Canada for permanent residence, who is ordinarily resident in Canada;
22. "security" means any share of any class of shares or any debt obligation of a corporation;
23. "senior officer" means,
- i. the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a co-operative or any other individual who performs functions for the co-operative similar to those normally performed by an individual occupying any such office, and
 - ii. each of the five highest paid employees of a co-operative, including any individual referred to in subparagraph i;
24. "special resolution" means a resolution that is not effective until it is,
- i. passed by the directors of a co-operative, and
 - ii. confirmed, with or without variation, by at least two-thirds of the votes cast at a general meeting of the members of the co-operative duly called for that purpose, or such greater proportion of the votes cast as the articles provide;
25. "term loan" means a loan having a fixed date of maturity and includes member and patronage loans having a fixed date of maturity.

Interpre-
tation:
subsidiary

(2) For the purposes of this Act, a corporation shall be deemed to be a subsidiary of a co-operative if, but only if, it is controlled by that co-operative.

Holding
co-operative

(3) For the purposes of this Act, a co-operative shall be deemed to be a corporation's holding co-operative if, but only if, that corporation is its subsidiary.

Control

(4) For the purposes of this Act, a subsidiary shall be deemed to be controlled by one or more other corporations if, but only if,

- (a) shares of the subsidiary carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of such one or more other corporations; and
- (b) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the subsidiary.

(5) For the purposes of this Act, a co-operative is insolvent^{Insolvency} if its liabilities exceed the realizable value of its assets or if the co-operative is unable to pay its debts as they become due.

(6) In determining the number of members of a co-operative,^{Number of members} for the purposes of this Act, two or more persons holding the same share or shares jointly shall be counted as one member.

2. The Minister may delegate in writing any of his duties<sup>Adminis-
tration</sup> or powers under this Act to any public servant in the Ministry.

3. This Act, except where it is otherwise expressly pro-^{Application}vided, applies,

- (a) to every corporation incorporated as a co-operative by or under a general or special Act of the Parliament of the former Province of Upper Canada;
- (b) to every corporation incorporated as a co-operative by or under a general or special Act of the Parliament of the former Province of Canada that has its head office and carries on business in Ontario and that was incorporated with objects to which the authority of the Legislature extends; and
- (c) to every corporation incorporated as a co-operative by or under a general or special Act of the Legislature,

but this Act does not apply to a corporation to which *The*<sup>R.S.O. 1970,
c. 96</sup> *Credit Unions Act* applies.

INCORPORATION

4.—(1) A co-operative may be incorporated under this Act for any lawful objects to which the authority of the Legislature extends, except those of a corporation the incorporation of which is provided for in any other Act.^{Incorporation}

(2) Where the practice of a profession is governed by an Act, a co-operative may be incorporated to practise the profession only if such Act expressly permits the practice of the profession by a corporation and subject to the provisions of such Act.^{Professions}

Articles of
incorporation

5.—(1) Five or more persons, being corporations or natural persons who are of the age of eighteen years or more, may incorporate a co-operative with or without share capital by signing and delivering to the Minister in duplicate articles of incorporation.

Contents of
articles

(2) Subject to subsection 3, articles of incorporation shall set out the following particulars:

1. The name of the co-operative to be incorporated.
2. The objects for which the co-operative is to be incorporated.
3. The place in Ontario where the head office of the co-operative is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district and the address giving the street and number, if any.
4. The number of directors of the co-operative and the names in full and the residence addresses, giving the street and number, if any, of each person who is to be a first director of the co-operative.
5. The name in full, and the residence address, giving the street and number, if any, of each of the incorporators.

Idem

(3) In addition to the particulars required to be set out in subsection 2, articles of incorporation shall state,

(a) where there is to be share capital,

- (i) the authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class and the par value of each share,
- (ii) where there are to be preference shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them,
- (iii) the restrictions to be placed on the transfer of its shares or any class thereof, and
- (iv) the class and number of shares to be taken by each incorporator and the amount to be paid therefor;

- (b) where there is to be no share capital,
- (i) the amount of the membership fee,
 - (ii) the authorized loan capital,
 - (iii) the restrictions to be placed on the transfer of member loans,
 - (iv) the classes of membership, if any, setting forth the designation of and the terms and conditions attaching to each class of membership, and
 - (v) the amount of a minimum member loan, if any,

and any other matter required by this Act or the regulations to be set out in the articles.

(4) The articles may set out any provision that is authorized ^{Idem} by this Act to be set out in the articles or that could be the subject of a by-law of the co-operative.

(5) Where the articles name as a first director a person ^{Consent of first director} who is not an incorporator, the articles shall have attached thereto his written and signed consent to act as a first director.

(6) The signature of each incorporator and of each first ^{Affidavits} director and the fact that each incorporator who is a natural person and each first director is of the age of eighteen years or more shall be verified by affidavit.

6.—(1) If the articles conform to law and the approval of ^{Certificate of incorporation} any person or body required by statute to approve the incorporation has been given, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the incorporators or their agent a certificate of incorporation to which he shall affix the other duplicate.

(2) A co-operative comes into existence upon the date set ^{Idem} forth in its certificate of incorporation.

Idem (3) A certificate of incorporation is conclusive proof that all conditions precedent required to be performed by the incorporators have been complied with and that the co-operative has been incorporated under this Act, except in a proceeding under section 166 to cancel the certificate for cause.

NAME

Use of "co-operative" **7.**—(1) The corporate name of a co-operative shall include the word "co-operative" as part thereof.

Idem (2) Where a co-operative or any director, officer, employee or member uses the name of the co-operative, the word "co-operative" may be abbreviated to "co-op".

Idem (3) No corporation, association, partnership or individual not being a co-operative to which this Act applies shall use in Ontario a name that includes the word "co-operative" or any abbreviation or derivation thereof whether or not the word, abbreviation or derivation is used in or in connection with the name.

Idem (4) Subsection 3 does not apply to a corporation incorporated by or under the authority of the Parliament of Canada, to a corporation granted an extra-provincial licence, to a corporation incorporated under the laws of Ontario before the 12th day of April, 1917, or to a corporation to which *The Credit Unions Act* applies.

R.S.O. 1970,
c. 96

Use of "Incorporated", "Corporation" (5) Subject to subsection 6, the name of a co-operative shall have the word "Incorporated" or "Corporation" or its corresponding abbreviation "Inc." or "Corp." as the last word thereof.

Use of "Limited" (6) Where a co-operative has share capital, the name of the co-operative may have the word "Limited" or its abbreviation "Ltd." as the last word thereof.

Use of name **8.** Notwithstanding section 7, a co-operative may use its name in such form and in such language as the articles provide and as the Minister approves.

Co-operative name **9.**—(1) The name of a co-operative shall not,

- (a) be the same as or similar to the name of a known corporation, association, partnership or individual whether in existence or not if its use would be likely to deceive, except where the corporation, association, partnership or individual signifies its or his consent in writing to the use of the name in whole or in part, and, if required by the Minister,

- (i) in the case of a corporation, undertakes to dissolve or change its name to a dissimilar name within six months after the filing of the articles or amendment by which the name is acquired, or
 - (ii) in the case of an association, partnership or individual, undertakes to cease to carry on its or his business or activities, or change its or his name to a dissimilar name, within six months after the filing of the articles or amendment by which the name is acquired;
- (b) suggest or imply a connection with the Crown or the Government of Canada or the government of a municipality or any province or territory of Canada or any department, branch, bureau, service, agency or activity of any such government or municipality without the consent in writing of the appropriate authority;
 - (c) suggest or imply a connection with a political party or a leader of a political party;
 - (d) contain any word or phrase that indicates or implies that it is incorporated for any object other than one or more of the objects set out in its articles;
 - (e) contain any word or phrase or any abbreviation or derivation thereof, the use of which is prohibited or restricted under any other Act unless in the latter case the restrictions are complied with; or
 - (f) in the opinion of the Minister, be objectionable on any public grounds.

(2) If a co-operative through inadvertence or otherwise has acquired a name contrary to subsection 1, the Minister may, after he has given the co-operative an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the co-operative to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

Change of
name if
objectionable

(3) Where an undertaking referred to in clause *a* of subsection 1 is given by a co-operative and the undertaking is not carried out within the time specified, the Minister may, after giving the co-operative an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the co-operative to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

Failure to
perform
undertaking

Idem

(4) Where an undertaking referred to in clause *a* of subsection 1 is given by a corporation to which this Act does not apply or by an association, partnership or individual and the undertaking is not carried out within the time specified, the Minister may, after giving the co-operative that acquired the name by virtue of such undertaking an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the co-operative to the name specified in the certificate, and, upon the issuance of the certificate, the articles are amended accordingly.

Change not
to affect
rights, etc.

10. A change in the name of a co-operative does not affect its rights or obligations.

Unauthorized
use of
"Limited",
etc.

11. Where a co-operative carries on business or identifies itself to the public in a name or style other than as provided in the articles, such name or style shall not include the word "Limited", "Incorporated" or "Corporation" or any abbreviation thereof.

Reservation
of name

12.—(1) Any person may, on application in writing and on the payment of the prescribed fee, reserve a corporate name for the use and benefit of the applicant or his nominee for a period of ninety days or such lesser period as he specifies, if the name is at the time not contrary to section 9.

Idem

(2) During the period for which the name has been reserved, no corporation shall acquire the name or a similar name without the consent in writing of the person for whose use and benefit the name has been reserved.

SEAL AND HEAD OFFICE

Corporate
seal

13.—(1) A co-operative shall have a seal which shall be adopted and may be changed by resolution of the directors.

Idem

(2) The name of the co-operative shall appear in legible characters on the seal.

Head
office

14.—(1) Subject to subsection 2, a co-operative shall at all times have its head office at the place in Ontario where the articles provide that the head office is to be located.

Change of
head office

(2) A co-operative may by by-law change the municipality or geographic township in which its head office is located to another place in Ontario.

Where
municipality
annexed or
amalgamated

(3) Where the location of the head office of a co-operative is changed by reason only of the annexation or amalgamation of the place in which the head office is located

to or with another municipality, such change does not constitute and has never constituted a change within the meaning of subsection 2.

(4) The co-operative shall, within ten days after a by-law^{Filing of by-law} passed under subsection 2 has been confirmed by the members, file a certified copy of the by-law with the Minister.

(5) A co-operative may by resolution of the directors change^{Change of street address} the location of its head office within a municipality or geographic township and shall, within ten days after the passing of the resolution, file with the Minister notice of the change giving the address including the street and number, if any, of the new location.

(6) Failure to comply with subsection 4 or 5 does not^{Validity} affect the validity of the by-law or resolution.

POWERS

General

15.—(1) Every co-operative has power,

Corporate
charac-
teristics

- (a) to have perpetual succession;
- (b) to contract and sue and be sued in its corporate name; and
- (c) to carry on business in or identify itself to the public by a name or style other than its corporate name.

(2) A co-operative has power as incidental and ancillary^{Incidental powers} to the objects set out in its articles,

1. to carry on any other business capable of being conveniently carried on in connection with its business or likely to enhance the value of any of its property or rights;
2. to acquire or undertake the whole or any part of the business, property and liabilities of any person carrying on any business that the co-operative is authorized to carry on;
3. to apply for, register, purchase, lease, acquire, hold, use, control, license, sell, assign or dispose of patents, patent rights, copyrights, trade marks, formulae, licences, inventions, processes, distinctive marks and similar rights;

4. to enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or corporation carrying on or engaged in or about to carry on or engage in any business or transaction that the co-operative is authorized to carry on or engage in or any business or transaction capable of being conducted so as to benefit the co-operative;
5. where authorized to do so by resolution of the board of directors and where it is necessary to enable the co-operative to improve its services to its members, to take or otherwise acquire and hold securities in any other corporation having objects altogether or in part similar to those of the co-operative or carrying on any business capable of being conducted so as to benefit the co-operative;
6. to lend money to any other corporation or any firm or person having dealings with the co-operative or with whom the co-operative proposes to have dealings or to any other corporation any of whose shares are held by the co-operative;
7. to apply for, secure or acquire by grant, legislative enactment, assignment, transfer, purchase or otherwise, and to exercise, carry out and enjoy any charter, licence, power, authority, franchise, concession, right or privilege, that any government or authority or any corporation or other public body may be empowered to grant, and to pay for, aid in and contribute towards carrying it into effect and to assume any liabilities or obligations incidental thereto;
8. to establish and support or aid in the establishment and support of associations, institutions, funds or trusts for the benefit of employees or former employees of the co-operative or its predecessors, or the dependants or connections of such employees or former employees, and grant pensions and allowances, and make payments towards insurance or for any object similar to those set forth in this paragraph, and to subscribe or guarantee money for charitable, benevolent, educational or religious objects or for any exhibition or for any public, general or useful objects;
9. to promote any corporation for the purpose of acquiring or taking over any of the property and liabilities of the co-operative or for any other purpose that may benefit the co-operative;

10. to purchase, lease, take in exchange, hire or otherwise acquire any personal property and any rights or privileges that the co-operative considers necessary or convenient for the purposes of its business;
11. to construct, maintain and alter any buildings or works necessary or convenient for its objects;
12. to acquire by purchase, lease or otherwise and hold any land or interest therein necessary for its actual use and occupation or for carrying on its undertaking, and, when no longer necessary therefor, to sell, alienate or convey it;
13. to take, hold and alienate real and personal property that has in good faith been mortgaged to the co-operative by way of security for, or conveyed to it in satisfaction of, debts previously contracted in the course of its business, or purchased at judicial sales upon levy for such indebtedness, or otherwise purchased for the purpose of avoiding a loss to the co-operative;
14. to construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, water-courses, wharves, manufactories, warehouses, electric works, shops, stores and other works and conveniences that may advance the interests of the co-operative and contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control thereof;
15. to raise and assist in raising money for, and aid by way of bonus, loan, promise, endorsement, guarantee or otherwise, any person or corporation and guarantee the performance or fulfilment of any contracts or obligations of any person or corporation, and in particular guarantee the payment of the principal of and interest on the debt obligations of any such person or corporation;
16. to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, bills of lading, warrants and other negotiable or transferable instruments;
17. where authorized to do so by a special resolution and by such additional authorization as the articles provide, to sell, lease, exchange or otherwise dispose

of all or substantially all the property of the co-operative for such consideration as the co-operative thinks fit;

18. to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with the property of the co-operative in the ordinary course of its business;
19. to adopt such means of making known the products or services of the co-operative as may seem expedient, and in particular by advertising, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes and rewards and making donations;
20. to cause the co-operative to be registered and recognized in any foreign jurisdiction or any province or territory of Canada, and designate persons therein according to the laws of that foreign jurisdiction or that province or territory of Canada to represent the co-operative and to accept service for and on behalf of the co-operative of any process or suit;
21. to allot and issue fully-paid shares of the co-operative in payment or part payment of any property purchased or otherwise acquired by the co-operative or for any past services performed for the co-operative;
22. to distribute among the members of the co-operative in cash, kind, specie or otherwise as may be resolved, by way of dividend, bonus or in any other manner deemed advisable, any property of the co-operative, but not so as to decrease the capital of the co-operative unless the distribution is made for the purpose of enabling the co-operative to be dissolved or the distribution, apart from this paragraph, would be otherwise lawful;
23. to establish agencies and branches;
24. to take or hold mortgages, hypothecs, liens and charges to secure payment of the purchase price, or of any unpaid balance of the purchase price, of any part of the property of the co-operative of whatsoever kind sold by the co-operative, or for any money due to the co-operative from purchasers and others and to sell or otherwise dispose of any such mortgage, hypothec, lien or charge;

25. to pay all costs and expenses of or incidental to the incorporation and organization of the co-operative;
26. to invest and deal with the moneys of the co-operative not immediately required for the objects of the co-operative in such manner as may be determined;
27. to do any of the things authorized by this subsection and all things authorized by its articles as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others;
28. to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the co-operative.

(3) Any of the powers set out in subsection 2 may be withheld or limited by the articles. Limited by articles

(4) Every co-operative may exercise its powers beyond the boundaries of Ontario to the extent to which the laws in force where the powers are sought to be exercised permit, and may accept extra-provincial powers and rights. Powers to act outside of Ontario

16.—(1) No act of a co-operative and no transfer of real or personal property to or by a co-operative, otherwise lawful, that is heretofore or hereafter done or made, is invalid by reason of the fact that the co-operative was without capacity or power to do such act or make or receive such transfer, but such lack of capacity or power may be asserted, Acting outside powers

- (a) in a proceeding against the co-operative by a member under subsection 2;
- (b) in a proceeding by the co-operative, whether acting directly or through a receiver, liquidator, trustee or other legal representative or through members in a representative capacity, against a director or officer or former director or officer of the co-operative; or
- (c) as cause for the cancellation of the certificate of incorporation of the co-operative under section 166.

(2) A member of a co-operative may apply to a court of competent jurisdiction for an order to restrain the co-operative from doing any act or transferring or receiving the transfer of real or personal property on the ground that the co-operative lacks capacity or power for the purpose, and the court may, if it considers it to be just and equitable, grant an order prohibiting the co-operative from doing the act or transferring Restraining order

or receiving the transfer of the real or personal property, but, where the act or transfer sought to be restrained or prohibited is being or to be done or made under a contract to which the co-operative is a party,

- (a) all the parties to the contract shall be parties to the proceeding;
- (b) the court in granting the order may set aside the contract and allow the co-operative or other parties to the contract, as the case may be, such compensation as may be equitable for the loss or damage sustained by any of them from the granting of the order and setting aside of the contract, other than anticipated profits from the contract.

Loans to
members,
directors,
etc.

17.—(1) A co-operative shall not make loans to any of its members, directors or employees or give directly or indirectly, by means of a loan, guarantee, the provision of security or otherwise, any financial assistance to any member, director or employee, except in the course of transactions of a type available to all members of the co-operative.

Liability of
directors
and officers

(2) Those directors and officers of a co-operative who authorize or consent to making a loan or giving financial assistance in contravention of subsection 1 are jointly and severally liable to the co-operative and to its creditors for any actual loss to the co-operative together with interest at the rate of 6 per cent a year.

Contracts

Contracts in
writing
under seal

18.—(1) A contract that if entered into by an individual person would by law be required to be in writing and under seal may be entered into on behalf of a co-operative in writing under the seal of the co-operative.

Contracts in
writing not
under seal

(2) A contract that if entered into by an individual person would by law be required to be in writing signed by the parties to be charged therewith may be entered into on behalf of a co-operative in writing signed by any person acting under its authority, express or implied.

Parol
contracts

(3) A contract that if entered into by an individual person would by law be valid although made by parol only and not reduced into writing may be entered into by parol on behalf of a co-operative by any person acting under its authority, express or implied.

19. A co-operative may, by writing under seal, empower ^{Power of attorney} any person, either generally or in respect of any specified matters, to execute, as its attorney and on its behalf in any place within or outside Ontario, documents to which it is a party in any capacity and that are required by law to be under seal, and every document signed by such attorney on behalf of the co-operative acting within the scope of his authority, express or implied, and under his seal binds the co-operative and has the same effect as if it were under the seal of the co-operative.

20.—(1) In this section,

^{Interpre-}
^{tation}

- (a) “contractor” means a person who enters into a pre-incorporation contract in the name of or on behalf of a co-operative before its incorporation;
- (b) “other party” means a person with whom a contractor enters into a preincorporation contract;
- (c) “preincorporation contract” means a contract entered into by a contractor in the name of or on behalf of a co-operative before its incorporation.

(2) A co-operative may adopt a preincorporation contract ^{Adoption of preincorporation contracts} entered into in its name or on its behalf, and thereupon the co-operative is entitled to the benefits and is subject to the liabilities that were contracted in its name or on its behalf and the contractor ceases to be entitled to such benefits or to be subject to such liabilities.

(3) Where a preincorporation contract is not adopted by a ^{Non-adoption of preincorporation contracts} co-operative, the contractor is entitled to the benefits and subject to the liabilities under the contract and is entitled to recover from the co-operative the value of any benefit received by the co-operative under the contract.

(4) Whether or not a preincorporation contract is adopted ^{Application to court for relief} by the co-operative, the other party may apply to the court which may, notwithstanding subsections 2 and 3, make an order fixing or apportioning liability as between the contractor and the co-operative in any manner the court considers just and equitable under the circumstances.

By-Laws and Resolutions

21. The directors may pass by-laws not contrary to this ^{By-laws} Act or to the articles to regulate,

- (a) the allotment and issue of shares, the payment thereof, the issue of share certificates and the transfer and the registration of transfers of shares;
- (b) the admission of persons as members and as *ex officio* members and the qualification of and the conditions of membership;
- (c) the time for and the manner of election of directors;
- (d) the qualification and remuneration of directors including conditions on eligibility of directors of the co-operative by reference to a minimum annual volume of business conducted by a director with the co-operative;
- (e) the appointment, remuneration, functions, duties and removal of agents, officers and employees of the co-operative and the security, if any, to be given by them to it;
- (f) the time and place and the notice to be given for the holding of meetings of the members and of the board of directors, the quorum at meetings of members and the procedure in all things at members' meetings and at meetings of the board of directors;
- (g) the payment of fees and dues of members;
- (h) the issue of membership cards and loan certificates;
- (i) the suspension and termination of memberships by the co-operative and by the members;
- (j) the conduct in all other particulars of the affairs of the co-operative.

Remunera-
tion of
directors

22. A by-law relating to the remuneration of a director as director shall fix the remuneration and the period for which it is to be paid.

Passing of
by-laws

23. No by-law is effective until it is,

- (a) passed by the directors of a co-operative; and
- (b) confirmed, with or without variation, by at least two-thirds of the votes cast at a general meeting of the members of the co-operative duly called for that purpose, or such greater proportion of the votes cast as the articles provide.

Member Groups and Delegates

24.—(1) The directors may pass by-laws providing for, By-laws
re delegates

- (a) the division of its members into groups, either territorially or on the basis of common interest;
- (b) the election of some or all of its directors,
 - (i) by such groups on the basis of the number of members in each group or the volume of business done by each group with the co-operative, or both, or
 - (ii) for the groups in a defined geographical area, by the delegates of such groups meeting together;
- (c) the election of delegates and alternate delegates to represent each group on the basis of the number of members in each group or the volume of business done by each group with the co-operative, or both;
- (d) where all of the members are co-operatives, the election of delegates and alternate delegates to represent such co-operatives on the basis of the number of members in each co-operative or the volume of business done with each co-operative, or both;
- (e) the number and method of electing delegates;
- (f) the holding of meetings of delegates;
- (g) the authority of delegates at meetings or providing that a meeting of delegates shall for all purposes be deemed to be and to have all the powers of a meeting of the members;
- (h) the holding of meetings of members or delegates territorially or on the basis of common interest;
- (i) the payment of remuneration and expenses of delegates attending meetings.

(2) A delegate has only one vote and shall not vote by Voting
proxy.

(3) No person shall be elected a delegate who is not a Qualifi-
cation
of delegates
member, officer or director of the co-operative.

Saving

(4) No by-law under subsection 1 shall prohibit members from attending meetings of delegates and participating in the discussions at such meetings.

CAPITAL

Authorized Capital

Shares

25.—(1) The authorized capital of a co-operative shall be divided into shares with par value and may consist of shares of more than one class.

Par value

(2) Each class of shares shall have a par value of \$1 or any multiple thereof not exceeding \$100.

Authorized capital

(3) The authorized capital of the co-operative shall be expressed in Canadian currency in its articles and is an amount equal to the total of the products of the number of shares of each class multiplied by the par value thereof.

Common shares

26.—(1) The common shares of a co-operative shall be shares to which there is attached no preference, right, condition, restriction, limitation or prohibition set out in the articles of the co-operative other than the restriction on the allotment, issue or transfer.

Classes of shares

(2) Where a co-operative has only one class of shares, that class shall be common shares and designated as co-operative or co-op common shares.

Idem

(3) Where a co-operative has more than one class of shares, one class shall be common shares, designated as provided in subsection 2, and the other shares shall consist of one or more classes of preference shares and shall have attached thereto the designation co-operative or co-op preference shares and such other designation and preferences, rights, conditions, restrictions, limitations or prohibitions as set out in the articles.

Preference shares

(4) No class of preference shares shall be designated as preference shares or by words of like import, unless the class has attached thereto a preference or right over the common shares.

Preferences, rights, etc.

27. A co-operative may issue one or more classes of preference shares having attached thereto preferences, rights, conditions, restrictions, limitations or prohibitions, including but not limited to,

- (a) the right to cumulative, non-cumulative or partially cumulative dividends;

- (b) a preference over any other class or classes of shares as to the payment of dividends;
- (c) a preference over any other class or classes of shares as to the repayment of the par value together with any dividends declared but unpaid upon the dissolution of the co-operative or otherwise;
- (d) the right of the co-operative to redeem, without the consent of the holders thereof, all or a part of the shares of that class at their par value together with any dividends declared but unpaid.

28. Each share of a class shall be the same in all respects as every other share of that class. **Equality of shares of a class**

Issued Capital

29. The issued capital of a co-operative shall be expressed in Canadian currency and is an amount equal to the total of the products of the number of issued shares of each class multiplied by the par value thereof less such decreases in the issued capital as from time to time have been effected by the co-operative in accordance with this Act. **Issued capital**

30.—(1) Where an issued share of a class is cancelled, the issued capital is decreased by an amount equal to the par value of the shares of that class. **Cancellation of par share**

(2) Where a fraction of an issued share of a class is cancelled, the issued capital is decreased by an amount that bears the same proportion to the amount determined under subsection 1 that the fraction bears to a whole share of that class. **Cancellation of fractions of shares**

Redemption, Purchase and Surrender

31.—(1) Where the articles provide that the shares of a class of preference shares are redeemable without the consent of the holders thereof and part only of the preference shares are to be redeemed, the shares to be redeemed shall be selected, **Redemption of preference shares**

- (a) by lot in such manner as the board of directors determines;
- (b) as nearly as may be in proportion to the number of preference shares of the class registered in the name of each holder of shares of that class; or
- (c) in such other manner as the board of directors determines with the consent of the holders of prefer-

ence shares of the class obtained in the manner set out in subsection 2,

but the articles may confine the manner of selection to one or more of those methods set out in clauses *a*, *b* and *c*.

Insolvency (2) A co-operative shall not redeem shares under subsection 1 if the co-operative is insolvent or if the redemption would render the co-operative insolvent.

Method of redemption (3) Where shares of a class of preference shares are selected in the manner referred to in clause *c* of subsection 1, the selection shall be consented to in writing by,

(a) all the holders of the preference shares of the class;
or

(b) at least 95 per cent of the holders of the preference shares of the class holding at least 95 per cent of the issued shares of that class if, after twenty-one days notice has been given by sending notice to each of the holders of shares of that class addressed to him at his latest address as shown on the records of the co-operative, none of the holders of shares of that class dissents in writing to the co-operative.

Idem (4) Where a holder of redeemable preference shares of a co-operative dies or leaves its employment, notwithstanding subsection 1, it may within one year of such event redeem all or any of the preference shares held by him.

Purchase of preference and common shares

32.—(1) Subject to subsection 2, a co-operative,

(a) with the consent of the holder thereof, may purchase all or a part of the shares in the co-operative held by any person upon payment of such an amount to that person not exceeding the par value of the shares together with any dividends declared but unpaid;

(b) when a corporate member is about to be dissolved or a member has failed for a period of two years to transact any business with the co-operative, may redeem without the consent of such member his shares upon payment to him of an amount equal to the book value or par value of such shares, whichever is the lesser.

Insolvency (2) A co-operative shall not purchase or redeem shares under subsection 1 if the co-operative is insolvent or if the purchase would render the co-operative insolvent.

(3) Where shares are purchased or redeemed by a co-operative under subsection 1 or where preference shares are redeemed pursuant to the articles, ^{Method}

- (a) if the articles so require, the shares shall be cancelled and thereupon the authorized and issued capital of the co-operative are thereby decreased, and the articles are amended accordingly;
- (b) if the articles do not require the shares to be cancelled,
 - (i) the board of directors may at the time of the purchase or redemption cancel the shares in which case the authorized and issued capital of the co-operative are thereby decreased and the articles are amended accordingly; or
 - (ii) the board of directors may resell the shares at such time and price and on such terms as it determines.

33.—(1) A co-operative may accept from any member a ^{Donation of shares} donation of any of its shares without any repayment of capital in respect thereof.

(2) Shares accepted under subsection 1 are not thereby ^{Sale of donated shares} cancelled, and the board of directors may sell the shares at such time and price and on such terms as it determines.

Offering Statement

34.—(1) Prior to the issue of any securities by a co-operative, the co-operative shall file with the Minister an ^{Offering statement} offering statement and obtain a receipt therefor.

(2) Subsection 1 does not apply to, ^{Exception}

- (a) the issue of shares under subsection 1 of section 56 or of debt obligations under subsection 4 of section 56; or
- (b) a co-operative that has fifteen or fewer members.

35.—(1) An offering statement shall provide full, true and ^{Standard of disclosure} plain disclosure of all material facts relating to the securities proposed to be issued.

(2) An offering statement shall comply as to form and ^{Form and content} content with the requirements of this Act and the regulations.

(3) There shall be filed with an offering statement such ^{Supporting material} documents, reports and other material as are required by this Act and the regulations.

**Material
changes**

(4) Where there is a material change in the facts set forth in an offering statement, whether before or after the issuance of a receipt therefor, the co-operative shall, within thirty days of that change, file with the Minister a statement of such change.

**Further
statements**

(5) A co-operative may, and shall if required by the Minister, file a further offering statement revised to give effect to all previous material changes in place of the statement of material change mentioned in subsection 4.

**Issue of
receipts**

36.—(1) The Minister may in his discretion issue a receipt for any statement filed under section 34 or subsections 4 or 5 of section 35 unless it appears to the Minister that,

(a) the statement or any document required to be filed therewith,

(i) fails to comply in any substantial respect with any of the requirements of this Act or the regulations,

(ii) contains any statement, promise, estimate or forecast that is misleading, false or deceptive, or

(iii) conceals or omits to state any material facts necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made; or

(b) the proceeds from the sale of the securities to which the statement relates that are to be paid into the treasury of the co-operative, together with other resources of the co-operative, are insufficient to accomplish the purpose of the issue stated in the statement.

Idem

(2) The Minister shall not make any determination under subsection 1 without making an order or ruling in writing and without giving the co-operative that filed the statement a prior opportunity to be heard.

**Inspection of
statement**

37.—(1) A copy of a statement for which the Minister has issued a receipt under section 36 shall be open to inspection,

(a) at the offices of the Ministry; and

(b) during normal business hours, at the head office of the co-operative.

(2) No person shall refuse to permit a person to inspect ^{Extracts} such statements or to make extracts therefrom.

38. A co-operative already in existence when this Act ^{Transition} comes into force shall have a period of 180 days from that date during which to comply with sections 34 to 37.

Allotment, Issue and Transfer

39.—(1) Shares shall not be allotted or issued except for a ^{Issue of shares} consideration at least equal to the product of the number of shares allotted or issued multiplied by the par value thereof.

(2) No share shall be issued until it is fully paid and a ^{Consideration for shares} share is not fully paid until all the consideration therefor in cash, property or services, as determined under this section, has been received by the co-operative.

(3) For the purposes of subsection 2 and paragraph 21 of ^{Idem} subsection 2 of section 15, a document evidencing indebtedness of the allottee does not constitute property and services shall be past services actually performed for the co-operative, and the value of property or services shall be the value the directors determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash value.

40. No transfer of common shares in a co-operative with ^{Restriction on transfer of common shares} share capital, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction or by transmission to the personal representative of a member, is valid for any purpose unless,

- (a) the transfer has been authorized by resolution of the directors of the co-operative or by a person authorized by such a resolution to approve such transfers;
- (b) the transferee is admitted to membership in the co-operative as required by its articles and by-laws; and
- (c) the entry thereof has been duly made in the register of transfers of the co-operative or in a branch register of transfers,

except only as evidence of the rights of the parties thereto towards each other.

41.—(1) A co-operative may provide by by-law for the ^{Commission on sale of shares} payment of commissions or allowing discounts to persons in consideration of their subscribing or agreeing to subscribe,

whether absolutely or conditionally, for shares in the co-operative, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for such shares but no such commission or discount shall exceed 25 per cent of the amount of the subscription price.

No
unauthorized
commission

(2) Except as provided in subsection 1, no co-operative shall apply any of its shares or capital, either directly or indirectly, in payment of any commission, discount or allowance to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares of the co-operative or procuring or agreeing to procure subscriptions whether absolute or conditional, for such shares, whether the shares or capital is so applied by being added to the purchase money of any property acquired by the co-operative or to the contract price of any work to be executed for the co-operative, or is paid out of the nominal purchase money or contract price or otherwise.

Shares
personal
property

42. The shares of a co-operative are personal property and are transferable in such manner and subject to such conditions and restrictions as are prescribed by this Act and the articles of the co-operative.

Lien on
shares

43. Where the articles or by-laws so provide the co-operative has a lien to the extent of the debt on the shares registered in the name of a member who is indebted to the co-operative.

Share and Loan Certificates

Share and
loan
certificates

44.—(1) Every member is entitled to a share or loan certificate in respect of the shares held or loans made by him, signed by the proper officers in such form as the by-laws of the co-operative provide, but in no case is the co-operative bound to issue more than one share or loan certificate in respect of a share or shares held or a loan made jointly by several persons, and delivery of a share or loan certificate to one of several joint holders or lenders is sufficient delivery to all.

Fee

(2) A co-operative may charge a fee of not more than \$1 for every share certificate issued, except that in the case of the allotment and issue of shares, no fee shall be charged.

Signing of
certificate

45. A share or loan certificate shall be signed manually by at least one officer of the co-operative or by or on behalf of a transfer agent of the co-operative, and the co-operative may by by-law provide that any additional signatures required on share or loan certificates may be printed, engraved, litho-

graphed or otherwise mechanically reproduced thereon, and in such event share or loan certificates so signed are as valid as if they had been signed manually.

46.—(1) Every share or loan certificate shall state upon its face, Contents of certificates

- (a) the name of the co-operative and the words “A co-operative incorporated under the law of the Province of Ontario” or words of like effect;
- (b) the name of the person to whom the share or loan certificate is issued as holder;
- (c) the amount, maturity date and annual rate of interest where the certificate represents a loan;
- (d) the number and class of shares represented thereby and the par value thereof where the certificate represents shares;
- (e) a statement of the dividend rate, where applicable.

(2) Every share certificate shall have noted conspicuously thereon the words “Transfer of these shares is restricted”. Restrictions to be noted

(3) Where the articles or by-laws provide that a co-operative has a lien on shares as authorized by section 43, the right of the co-operative to the lien shall be noted conspicuously on every share certificate issued by the co-operative. Notice of lien

(4) In this section, “noted conspicuously” means written in such a way that the person against whom words so noted or appearing are to operate ought reasonably to notice them. Interpretation

47.—(1) A share certificate issued for a share of a class of preference shares shall, Contents of preference share certificate

- (a) legibly state on the certificate or have attached thereto a legible statement of the preferences, rights, conditions, restrictions, prohibitions or limitations attaching to that class of shares; or
- (b) legibly state on the certificate that there are preferences, rights, conditions, restrictions, prohibitions or limitations attaching to that class and that a copy of the full text thereof is obtainable on demand and without fee from the co-operative.

Idem

(2) Where a share certificate contains a statement as provided in clause *b* of subsection 1, the co-operative shall furnish to the holder of the shares on demand without fee a copy of the full text of the preferences, rights, conditions, restrictions, prohibitions and limitations attaching to the share.

Fractional
shares

48. Where, as a result of a change in authorized capital of a co-operative, a person becomes entitled to a fraction of a share, he is not entitled to be registered on the records of the co-operative in respect thereof or to receive a share certificate therefor, but he is entitled to receive a bearer fractional certificate in respect of such fraction, and on presentation at the head office of the co-operative or at a place designated by the co-operative of bearer fractional certificates for fractions that together represent a whole share, a share certificate for a whole share shall be issued in exchange therefor.

Loan Capital

Member
loans

49.—(1) The capital of co-operatives without share capital may be in the form of loans from members, called "member loans", and such loans may be in such amounts, payable on demand or at such times and without interest or at interest not exceeding 8 per cent per annum, or if authorized by by-law of the co-operative, at such a lesser rate as the board of directors may by resolution determine.

Borrowing
from
members

(2) A co-operative may borrow money from its members not being loans made as a condition of membership or as compulsory loans of patronage returns, in such amounts payable on demand or at such times and either without interest or with interest at such rate as the by-laws provide or, if authorized by by-law, at such rate as the directors may by resolution determine.

Borrowing Powers

Borrowing
powers

50.—(1) Where authorized by by-law, the directors may,

- (a) borrow money on the credit of the co-operative; or
- (b) issue, sell or pledge debt obligations of the co-operative; or
- (c) charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal movable or immovable property of the co-operative, including book debts, rights, powers,

franchises and undertaking, to secure any debt obligations or any money borrowed or other debt or liability of the co-operative.

(2) Any by-law referred to in subsection 1 may,

Contents
of by-law

(a) limit the amount to be borrowed as determined by the by-law; and

(b) provide for the delegation by the directors of the powers conferred on them under the by-law to such directors or officers of the co-operative and to such extent and manner as is set out in the by-law.

51. Nothing in this Act prohibits the issue of debt obligations in bearer form.

Bearer
debt
obligations

52. A condition contained in a debt obligation or in an instrument for securing a debt obligation is not invalid by reason only that the debt obligation is thereby made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long.

Irredeemable
debt
obligations

53.—(1) Where a co-operative makes a charge, mortgage or other instrument of hypothecation or pledge to secure its debt obligations, the co-operative shall forthwith after the making thereof file a duplicate original or certified copy of the instrument in the office of the Minister, but such filing may be made by any interested person.

Filing
debt
obligations

(2) Where the filing is by an interested person under subsection 1, that person is entitled to recover from the co-operative the amount of any prescribed fee paid by him on such filing.

Recovery
of fee

(3) Subsection 1 does not apply to an instrument filed or registered under any other Act.

Exception

DIVIDENDS AND SURPLUS

54. A co-operative may by by-law provide that, before any distribution of surplus arising from the business of the co-operative in each fiscal year is made, the co-operative may,

Reserve
fund and
dividends

(a) set aside reserve funds;

(b) provide for the payment of dividends on the share capital at a rate not to exceed 8 per cent per annum of the amount paid up thereon.

Surplus

Distribution
of net
surplus

55.—(1) Subject to subsection 4, the surplus arising from the business of a co-operative, other than a direct charge co-operative, in each fiscal year shall be allocated, credited or paid to the members in proportion to the business done by each member with or through the co-operative, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold or services rendered by the member or by the co-operative from or on behalf of or to the member, or the co-operative whether as principal or as agent of the member or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof.

Idem

(2) The co-operative may by by-law provide that part of the surplus may be allocated, credited or paid to non-members at the same or at lesser rates than to members.

Patronage
return

(3) The amount that is allocated, credited or paid to members or non-members in each fiscal year shall be known as the patronage return.

Limitation
of patronage
return

(4) The co-operative may by by-law provide that, where the value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the co-operative from or on behalf of or to any member or non-member in any year does not exceed \$250, or such lesser amount as is specified in the by-law, no patronage return shall be allocated, credited or paid to such member or non-member.

Marketing
boards

(5) Where members of a co-operative are required by a marketing plan established under an Act of the Legislature, or of the Parliament of Canada, to sell or deliver products or goods or render services to or for a marketing board, then for the purposes of making a patronage return to the members of the co-operative, the members shall be deemed to have sold, delivered or rendered those goods, products or services to the co-operative.

Investment
of patronage
return

56.—(1) A co-operative may by by-law provide that in each fiscal year the whole, or such part as the directors may by resolution determine, of the patronage return of each member shall be applied to the purchase for the member of a stated number of unissued shares of the co-operative or a stated number of issued shares of the co-operative, if obtainable.

Notice

(2) Where a co-operative has enacted a by-law under subsection 1 and the whole or part of the patronage return of a

member is required to be invested in issued shares, the co-operative shall mail a written notice to each member stating the number of shares to be purchased by him.

(3) Unless within thirty days from the date of mailing of the notice referred to in subsection 2 the member required to purchase issued shares has presented for transfer to himself the number of shares that he is required to purchase, the co-operative may on behalf of such member, ^{Purchase of shares on behalf of member}

- (a) purchase the required number of shares from members who are willing to sell such shares;
- (b) pay out of the patronage return of such member the purchase price;
- (c) transfer such shares to the member; and
- (d) issue and forward to such member a certificate representing such shares.

(4) A co-operative may enact by-laws requiring its members to lend to it the whole, or such part as the directors may determine, of the patronage returns to which they may become entitled in each fiscal year upon such terms and at such rate of interest as the directors, if authorized by by-law, may by resolution determine, but in no case at a rate of interest greater than 8 per cent per annum. ^{Compulsory borrowing}

(5) No member shall be required under this section to purchase issued or unissued shares at a price in excess of the par value thereof or issued shares when no such shares are available for purchase. ^{Idem}

(6) Where the co-operative is insolvent, no member shall be required under this section to lend his patronage return or to purchase shares of the co-operative. ^{Idem}

(7) This section does not prevent a member from receiving so much of his patronage return as has not been appropriated to loans to the co-operative in accordance with a resolution of the board of directors or the by-laws. ^{Idem}

57.—(1) A co-operative may, when authorized by by-law, deduct a percentage amount from the moneys received by the co-operative on the goods, products or services marketed, handled or dealt in by the co-operative for or on behalf of any member. ^{Percentage deductions by co-operative}

(2) An amount retained by a co-operative under subsection 1 shall be applied by the co-operative, ^{Idem}

- (a) as a loan on such terms and at such rate of interest not exceeding 8 per cent per annum as the by-law provides; or
- (b) as an investment by the member in common shares of the co-operative, but no member shall be required to purchase such shares in the co-operative at a price in excess of the par value thereof.

Dividends

Power to declare dividends	58. —(1) Subject to subsection 2 and the articles of the co-operative, the directors may declare and the co-operative may pay dividends on its issued shares.
Not to exceed 8 per cent	(2) A dividend shall not exceed 8 per cent per annum of the par value of the share.
Manner of payment	(3) A dividend may be paid in cash or in property not exceeding in value the amount of the dividend.
When dividend not to be declared	(4) The directors shall not declare and the co-operative shall not pay any dividend when the co-operative is insolvent, or any dividend the payment of which renders the co-operative insolvent or that diminishes its capital.
Stock dividends	59. For the amount of any dividend that the directors may declare payable in cash, they may declare a stock dividend and issue therefor shares of the co-operative as fully paid.

MEMBERS

Membership

Membership	60. —(1) Subject to the provisions of this Act and the articles of the co-operative, membership therein is governed by the by-laws of the co-operative.
Classes of membership	(2) The articles of a co-operative may provide for more than one class of membership and in that case shall set forth the designation of and the terms and conditions attaching to each class.
Incorporators deemed members	61. —(1) Each incorporator of a co-operative who has subscribed for a common share in the co-operative or who has paid a membership fee, if any, shall upon the effective date of incorporation be entered upon the register of members.

(2) No person shall become a member of a co-operative until his application for membership has been approved by the directors and the applicant has complied fully with the by-laws governing admission of members. ^{Applicants for membership}

(3) A subscription for common shares in a co-operative with share capital constitutes an application for membership and the allotment of a common share to the applicant constitutes admission to membership. ^{Idem}

(4) An application for authorization of the transfer of common shares in a co-operative with share capital constitutes an application for membership and the passing of the resolution authorizing the transfer constitutes admission to membership. ^{Idem}

62. No transfer of a membership in a co-operative without share capital is valid for any purpose whatever, ^{Restrictions on transfer of memberships}

(a) unless a written application for membership by the transferee has been approved by a resolution of the directors of the co-operative or by a person authorized by such a resolution to approve such applications; and

(b) until notification of the approval under clause *a* has been sent the transferee and his name has been entered on a register of members,

except only as evidence of the rights of the parties thereto towards each other.

63.—(1) Subject to the by-laws of the co-operative, a person of the full age of sixteen years or more may become a member thereof. ^{a Eligible age for members}

(2) Any person under the full age of eighteen years admitted to membership in the co-operative is competent to enter into any contract with the co-operative, and with respect to contracts with the co-operative is *sui juris*. ^{Members sui juris}

64.—(1) Subject to section 67, a member may withdraw from a co-operative by giving to the secretary of the co-operative six months notice of his intention to withdraw. ^{Notice of withdrawal}

(2) A deceased member shall be deemed to have given notice to the co-operative on the day of his death of his intention to withdraw. ^{Idem}

(3) Subject to subsection 4, where notice of intention to withdraw has been given to a co-operative under subsection 1, ^{Repayment to members on withdrawal}

or is deemed to have been given under subsection 2, the co-operative shall, within six months of the receipt thereof,

- (a) purchase for an amount equal to the par value together with all dividends declared but unpaid or for an amount that is less than par value and that is agreed to by the co-operative and the member or his personal representative, all shares in the co-operative held by the member; and
- (b) pay to him or his personal representative all amounts held to his credit, excluding term loans, together with any interest accrued thereon and the amount outstanding on loans made to the co-operative by the member that are repayable on demand by the member together with any interest accrued thereon.

Election by
member

(4) Notwithstanding subsection 3, a member who has given notice under subsection 1 may elect in such notice to retain all or some of his shares or loans in the co-operative.

Idem

(5) Where an election is made under subsection 4, the person may later withdraw some or all of his shares or loans from the co-operative by giving notice to the co-operative in the manner prescribed by subsection 1, and the co-operative shall, within six months of the receipt thereof,

- (a) purchase the shares at their par value or at a value that is less than par value and that is agreed to by the co-operative and such person;
- (b) pay to him the amounts held to his credit together with any interest accrued thereon; and
- (c) pay to him the amount outstanding on loans repayable on demand together with any interest accrued thereon,

that are referred to in the notice.

Extension
of time for
repayment

(6) Where, in the opinion of the directors of the co-operative, payments in accordance with subsection 3 or 5 would not be in the best interests of the co-operative, the directors may by resolution extend such payments over a period of not more than five years and pay in each year not less than 20 per cent of the amount to be repaid under subsection 3 or 5.

Dealing by
co-operative
with personal
representa-
tives

65.—(1) Where a person is shown on the records of a co-operative as holding a share as a personal representative, the receipt by such person is a valid and binding discharge to the co-operative for any payment or other distribution made in respect of the share whether notice of any trust has been

given to the co-operative or not, and the co-operative is not bound to see to the application of such payment or other distribution.

(2) Where shares are purchased by a co-operative under subsection 1 of section 32 or subsection 3 of section 64 or section 66 or accepted under subsection 1 of section 33 and are not thereby cancelled, no person is entitled to receive notice of or to vote at meetings of members or to receive any payment in respect of the shares whether by way of dividend or otherwise until such shares are resold. Co-operative not to vote, etc.

66.—(1) A member may be expelled from membership in a co-operative by resolution passed by a majority of the board of directors at a meeting duly called for the purpose not later than thirty days before the date set for the annual meeting of the co-operative. Expulsion of member

(2) A resolution under subsection 1 is not valid unless, Validity

- (a) prior written notice is given to the member setting forth the grounds upon which it is sought to expel him;
- (b) the notice is given the member ten days or more before the date of the meeting of the board of directors called to consider the resolution expelling that member; and
- (c) an opportunity is given the member to appear, either personally or by an agent or counsel, to make submissions at the meeting of the board of directors called to consider the resolution expelling that member.

(3) The secretary of the co-operative shall, within five days of the date of the meeting of the board of directors referred to in subsection 1, notify the member of the decision of the board by registered letter addressed to him at his latest known address. Notice of decision

(4) Where a resolution expelling a member is passed under subsections 1 and 2, the member may appeal the decision of the board of directors at the next annual or general meeting of members and the members by majority vote may confirm, vary or set aside the resolution. Appeal by member

(5) A member who wishes to appeal his expulsion to a meeting of members shall give notice of his intention to appeal within twenty-one days of receipt of the notice of expulsion mentioned in subsection 3, and the directors shall, if written representations are received seven or more days before the mailing of the notice of the meeting, at the expense of the co-operative, forward with the notice of the meeting a Idem

copy of such representations to each member entitled to receive notice of the meeting.

Effect of
expulsion

(6) Where a member has been expelled, the co-operative shall purchase from the member, within one year after his expulsion became final, at par value all his shares in the capital of the co-operative together with all amounts held to his credit together with any interest accrued thereon and the amount outstanding on loans, made to the co-operative by the member that are repayable on demand by the member together with interest accrued thereon.

Whereabouts
of member
unknown

(7) If the whereabouts of a member is unknown to the co-operative after all reasonable efforts have been made to ascertain his address for the purpose of making payment to him under subsection 6, amounts payable thereunder to him shall be transferred to a reserve fund of the co-operative; and any amounts so transferred shall, if claimed within thirty years after being so transferred by a person who produces evidence to the satisfaction of the directors of the co-operative that he is entitled thereto, be paid over to such person and, after the expiration of such thirty-year period, any amount so transferred shall be forfeited to the co-operative and transferred out of the reserve fund to it.

Where
repayment
not to be
made

67.—(1) A co-operative shall not exercise its powers under section 64 or 66,

- (a) if the co-operative is insolvent or if the exercise of its powers under that section would render the co-operative insolvent; or
- (b) if such exercise of its powers would in the opinion of the board of directors be detrimental to the financial stability of the co-operative.

Shares to be
cancelled or
resold

(2) Where the shares of a member are acquired under section 64 or 66,

- (a) if the articles so require, the shares shall be cancelled and thereupon the authorized and issued capital of the co-operative are thereby decreased, and the articles are amended accordingly;
- (b) if the articles do not require the shares to be cancelled,
 - (i) the board of directors may at the time of the purchase cancel the shares, in which case the authorized and issued capital of the co-

operative are thereby decreased and the articles are amended accordingly ; or

- (ii) the board of directors may resell the shares at such time and price and on such terms as it determines.

Member's Rights

68.—(1) Subject to subsection 2, a member of a co-operative may maintain an action in a representative capacity for himself and all other members of the co-operative suing for and on behalf of the co-operative to enforce any right, duty or obligation owed to the co-operative under this Act or under any other statute or rule of law or equity that could be enforced by the co-operative itself, or to obtain damages for any breach of any such right, duty or obligation. Derivative action

(2) An action under subsection 1 shall not be commenced until the member has obtained an order of the court permitting the member to commence the action. Leave

(3) A member may, upon at least seven days notice to the co-operative, apply to the court for an order referred to in subsection 2, and, if the court is satisfied that, Application for order to commence action

- (a) the member was a member of the co-operative at the time of the transaction or other event giving rise to the cause of action ;
- (b) the member has made reasonable efforts to cause the co-operative to commence or prosecute diligently the action on its own behalf ; and
- (c) the member is acting in good faith and it is *prima facie* in the interests of the co-operative or its members that the action be commenced,

the court may make the order upon such terms as the court thinks fit, except that the order shall not require the member to give security for costs.

(4) At any time or from time to time while the action commenced under this section is pending, the plaintiff may apply to the court for an order for the payment to the plaintiff by the co-operative of reasonable interim costs including solicitor's and counsel fees and disbursements, for which interim costs the plaintiff shall be accountable to the co-operative if the action is dismissed with costs on final disposition at the trial or on appeal. Application for order for interim costs

Trial and
judgment

(5) An action commenced under this section shall be tried by the court and its judgment or order in the cause, unless the action is dismissed with costs, may include a provision that the reasonable costs of the action are payable to the plaintiff by the co-operative or other defendants taxed as between a solicitor and his own client.

Discontin-
uance and
settlement

(6) An action commenced under this section shall not be discontinued, settled or dismissed for want of prosecution without the approval of the court and, if the court determines that the interests of the members may be substantially affected by such discontinuance, settlement or dismissal, the court, in its discretion, may direct that notice in manner, form and content satisfactory to the court shall be given, at the expense of the co-operative or any other party to the action as the court directs to the members thereof whose interests the court determines will be so affected.

Rights of
dissenting
members

69.—(1) If, at a meeting of members of a co-operative,

- (a) a resolution passed by the directors authorizing the sale, lease, exchange or other disposition of all or substantially all the property of the co-operative is confirmed with or without variation by the members;
- (b) a resolution approving an agreement for the amalgamation of the co-operative with one or more other co-operatives is passed by the members;
- (c) a resolution passed by the directors approving the conversion of the co-operative into a corporation to which *The Business Corporations Act* applies is confirmed with or without variation by the members;
- (d) a resolution passed by the directors approving the conversion of the co-operative into one with or without share capital is confirmed with or without variation by the members; or
- (e) a resolution passed by the directors under section 159 is confirmed with or without variation by the members,

any member who has voted against the confirmation of the resolution may within ten days after the date of the meeting give notice in writing to the co-operative requiring it to purchase his shares or refund the amount outstanding on loans made to the co-operative by the member together with any interest accrued thereon.

Co-operative
bound to
purchase
shares

(2) Within ninety days from,

- (a) the date of the completion of the sale, lease, exchange or other disposition;
- (b) the date set forth in the certificate of amendment or amalgamation; or
- (c) the date of delivery to the Minister of a request in writing for his authorization under section 159,

the co-operative, or amalgamated co-operative, shall purchase the shares of, or refund the amount outstanding on loans made to the co-operative by, every member who has given notice under subsection 1, and every such member shall sell or deliver up his securities to the co-operative.

(3) The amount and terms of the purchase of a member's ^{Purchase price} shares shall be at their par value or at a value that is less than par value and that is agreed to by the co-operative and the member together with all amounts held to his credit and with interest accrued thereon.

(4) The amount and terms of the repayment of any loans ^{Idem} made by the member to the co-operative shall be at the full amount outstanding together with any interest accrued thereon and unpaid.

(5) The co-operative shall not purchase any shares or repay ^{Saving} any member's loans under subsection 2 or 3 if it is insolvent or if the purchase or repayment would render it insolvent.

(6) If the sale, lease, exchange or other disposition is not ^{Idem} completed, the certificate of amendment or amalgamation is not issued, or the authorization of the Minister is not given, the rights of the dissenting member under this section cease and the co-operative shall not purchase the shares of the member nor refund the amount outstanding on loans made to the co-operative by the member under this section.

(7) Nothing in this section shall be construed to require a ^{Idem} co-operative to repay a member's term loan before the date of maturity.

70.—(1) Ten per cent of the members of a co-operative may ^{Requisition for by-law or resolution} requisition the directors to call a meeting of the directors for the purpose of passing any by-law or resolution that may properly be passed at a meeting of the directors duly called, constituted and held for that purpose.

(2) The requisition shall set out the by-law or resolution, as ^{Form of requisition} the case may be, that is required to be passed at the meeting and shall be signed by the requisitionists and deposited at the head office of the co-operative, and may consist of several documents in like form, each signed by one or more requisitionists.

Meeting of
directors

(3) Upon deposit of the requisition, the directors shall forthwith call a meeting of the directors for the purpose of passing the by-law or resolution, as the case may be, set out in the requisition.

Meeting of
members

(4) Where the directors do not, within twenty-one days from the date of the deposit of the requisition,

(a) call and hold such a meeting and pass such a by-law or resolution; and

(b) call a general meeting of the members for the purpose of confirming the by-law or resolution if the resolution requires confirmation at a general meeting of the members before it is effective,

any of the requisitionists may call a general meeting of the members for the purpose of passing such a by-law or resolution, and the meeting shall be held within sixty days from the date of the deposit of the requisition.

Notice

(5) A meeting of the members called under subsection 4 shall be called as nearly as possible in the same manner as meetings of members are called under the by-laws, but, if the by-laws provide for more than twenty-one days notice of meetings, twenty-one days notice is sufficient for the calling of the meeting.

Validity of
by-law or
resolution

(6) Where a by-law or resolution is passed at a meeting of the members called under subsection 4, either as set out in the requisition or as varied at the meeting, it is as valid and effective as if it had been passed at a meeting of the directors duly called, constituted and held for that purpose and confirmed at a meeting of the members duly called, constituted and held for that purpose, and if the resolution or by-law is passed by at least two-thirds of the votes cast at a meeting of the members called under subsection 4, it shall be conclusively deemed to be a special resolution or a by-law, as the case may be, for the purposes of this Act.

Repayment
of expenses

(7) The co-operative shall,

(a) reimburse the requisitionists for any reasonable expenses incurred by them by reason of the failure of the directors to act in accordance with subsections 3 and 4; and

(b) retain out of any moneys due or to become due, by way of fees or other remuneration for their services, to such

of the directors as were in default, an amount equal to the amount the requisitionists were reimbursed,

unless, at the meeting called under subsection 4, the members, by a majority of the votes cast, reject the reimbursement of the requisitionists.

(8) Where a by-law or resolution in respect of which a meeting of directors is requisitioned under this section is not passed or confirmed at a meeting of the members, no requisition for a meeting of directors in respect of a similar by-law or resolution shall be made for a period of at least two years.

New
requisition
on same
subject

71.—(1) On the requisition in writing of 5 per cent of the members of the co-operative, the directors shall,

Circulation
of members'
resolutions,
etc.

(a) give to the members entitled to notice of the next meeting of members notice of any resolution that may properly be moved and is intended to be moved at that meeting; or

(b) circulate to the members entitled to vote at the next meeting of members a statement of not more than 1,000 words with respect to the matter referred to in any proposed resolution or with respect to the business to be dealt with at that meeting.

(2) The notice or statement or both, as the case may be, shall be given or circulated by sending a copy thereof to each member entitled thereto in the same manner and at the same time as that prescribed by this Act, the articles or the by-laws, for the sending of notice of meetings of members.

Notice

(3) Where it is not practicable to send the notice or statement or both at the same time as the notice of the meeting is sent, the notice or statement or both shall be sent as soon as practicable thereafter.

Idem

(4) The directors are not bound under this section to give notice of any resolution or to circulate any statement unless,

Deposit of
requisition,
etc.

(a) the requisition, signed by the requisitionists, is deposited at the head office of the co-operative,

(i) in the case of a requisition requiring notice of a resolution to be given, not less than twenty-one days before the meeting,

(ii) in the case of a requisition requiring a statement to be circulated, not less than fourteen days before the meeting; and

- (b) there is deposited with the requisition a sum reasonably sufficient to meet the expenses of the co-operative in giving effect thereto.

Where directors not bound to circulate statement

(5) The directors are not bound under this section to circulate any statement if, on the application of the co-operative or any other person who claims to be aggrieved, the court is satisfied that the rights conferred by this section are being abused to secure needless publicity for defamatory matter, and on any such application the court may order the costs of the co-operative to be paid in whole or in part by the requisitionists notwithstanding that they are not parties to the application.

Where no liability

(6) No co-operative or a director, officer or employee thereof or person acting on its behalf, except a requisitionist, is liable in damages or otherwise by reason only of the giving of a notice or the circulation of a statement, or both, in compliance with this section.

Duty to deal with requisitioned matter

(7) Notwithstanding anything in the by-laws of the co-operative, where the requisitionists have complied with this section, the resolution, if any, mentioned in the requisition shall be dealt with at the meeting to which the requisition relates.

Repayment of expenses

(8) The co-operative shall pay to the requisitionists the sum deposited under clause *b* of subsection 4 unless at the meeting to which the requisition relates the members by a majority of the votes cast reject the repayment to the requisitionists.

Liabilities of Members

Liability on decrease of issued capital

72.—(1) Where the issued loan or share capital of a co-operative is decreased by an amendment to the articles, each person who was a member on the effective date of the amendment is individually liable to the creditors of the co-operative for the debts due on that date to an amount not exceeding the amount of the repayment to him.

Limitation of liability

(2) A person is not liable under subsection 1 unless,

- (a) the co-operative has been sued for the debt within six months after the effective date of the amendment and execution has been returned unsatisfied in whole or in part; and
- (b) he is sued for the debt in a court of competent jurisdiction within two years from the effective date of the amendment.

(3) After execution has been so returned, the amount due ^{Idem} on the execution, not exceeding the amount of the repayment to the person, is the amount recoverable against such person.

(4) Where it is made to appear that there are numerous ^{Class} members who may be liable under this section, the court ^{actions} of competent jurisdiction may permit an action to be brought against one or more of them as representatives of the class and, if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the referee's office all such members as may be found, and the referee shall determine the amount that each should contribute towards the plaintiff's claim and may direct payment of the sum so determined.

(5) No person holding shares or loans in the capacity of a ^{Member in} personal representative and registered on the records of the ^{fiduciary} co-operative as a member and therein described as representing ^{capacity} in such capacity a named estate, person or trust is personally liable under this section, but the estate, person or trust is subject to all liabilities imposed by this section.

73. A member of a co-operative as such is not answerable ^{Member's} or responsible for any act, default, obligation or liability of the ^{liability} co-operative or for any engagement, claim, payment, loss, ^{limited} injury, transaction, matter or thing relating to or connected with the co-operative.

Meetings of Members

74.—(1) Subject to subsections 2 and 3, the meetings of ^{Place of} the members shall be held at the place where the head office ^{meetings} of the co-operative is located.

(2) Where the by-laws of the co-operative so provide, the ^{Exception} meetings of the members may be held at any place within Ontario.

(3) Where the articles of the co-operative so provide, the ^{Idem} meetings of the members may be held at one or more places outside Ontario specified therein.

75.—(1) Subject to subsection 2 and in the absence of other ^{Members'} provisions in that behalf in the articles or by-laws of the ^{meetings} co-operative,

- (a) notice of the time and place for holding a meeting of the members shall be given to each person who is entitled to notice of meetings and who on the record date for notice appears on the records of the co-

operative as a member by sending the notice by pre-paid mail to his latest address as shown on the records of the co-operative ten days or more before the date of the meeting but in no case more than fifty days before the date of the meeting;

- (b) all questions proposed for the consideration of the members at a meeting of members shall be determined by the majority of the votes cast, and the chairman presiding at the meeting has a second or casting vote in case of an equality of votes;
- (c) the chairman presiding at a meeting of members may, with the consent of the meeting and subject to such conditions as the meeting decides, adjourn the meeting from time to time and from place to place;
- (d) the president or, in his absence, a vice-president who is a director shall preside as chairman at a meeting of members, but, if there is no president or such a vice-president or if at a meeting neither of them is present within fifteen minutes after the time appointed for the holding of the meeting, the members present shall choose a person from their number to be the chairman;
- (e) unless a poll is demanded, an entry in the minutes of a meeting of members to the effect that the chairman declared a motion to be carried is admissible in evidence as *prima facie* proof of the fact without proof of the number or proportion of votes recorded in favour of or against the motion.

Notice

(2) The articles or by-laws of the co-operative shall not provide for fewer than ten days notice for meetings of members and in no case shall notice be given fifty days before the date of the meeting and the articles or by-laws shall not provide that notice may be given otherwise than individually.

Poll

(3) If a poll is demanded, it shall be taken in such manner as the by-laws prescribe, and, if the by-laws make no provision therefor, then as the chairman directs.

Voting

76.—(1) A member of a co-operative has only one vote.

Proxies prohibited

(2) Subject to subsection 3, no member of a co-operative shall vote by proxy.

Voting by corporation

(3) A corporate member may appoint under its corporate seal one of its directors or officers to attend and vote on its

behalf at meetings of members and such director or officer has only one vote.

77. A co-operative shall hold an annual meeting of its members not later than eighteen months after its incorporation and subsequently not more than fifteen months after the holding of the last preceding annual meeting and at such meeting any member shall have an opportunity to raise any matter relevant to the affairs and business of the co-operative. Annual meetings

78. The directors may at any time call a general meeting of the members for the transaction of any business, the general nature of which is specified in the notice calling the meeting. General meetings

79.—(1) Five per cent of the members of a co-operative may requisition the directors to call a general meeting of the members for any purpose that is connected with the affairs of the co-operative and that is not inconsistent with this Act. Requisition for members' meeting

(2) The requisition shall state the general nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the co-operative and may consist of several documents in like form, each signed by one or more requisitionists. Requisition

(3) Upon deposit of the requisition, the directors shall forthwith call a general meeting of the members for the transaction of the business stated in the requisition. Duty of directors to call meeting

(4) If the directors do not within thirty days from the date of the deposit of the requisition call and hold the meeting, any of the requisitionists may call the meeting, which shall be held within sixty days from the date of the deposit of the requisition. When requisitionists may call meeting

(5) A meeting called under this section shall be called as nearly as possible in the same manner as meetings of members are called under the by-laws, but, if the by-laws provide for more than twenty-one days notice of meetings, twenty-one days notice is sufficient for the calling of the meeting. Calling of meeting

(6) The co-operative shall, Repayment of expenses

(a) reimburse the requisitionists for any reasonable expenses incurred by them by reason of the action taken by them under subsection 4; and

(b) retain out of any moneys due or to become due, by way of fees or other remuneration for their services,

to such of the directors as were in default, an amount equal to the amount the requisitionists were reimbursed,

unless, at the meeting, the members by a majority of the votes cast reject the reimbursement of the requisitionists.

Requisition
by court
order

80. Notwithstanding section 79, upon application by a member of a co-operative, the court, if satisfied that the application is made in good faith and that it is *prima facie* in the interests of the co-operative or its members that the meeting be held on requisition, may make an order, upon such terms as to security for the costs of holding the meeting or otherwise as to the court seem fit, requiring the directors to call a general meeting of the members for any purpose that is connected with the affairs of the co-operative and that is not inconsistent with this Act.

Court may
direct
method of
holding
meetings

81. If for any reason it is impracticable to call a meeting of members of a co-operative in any manner in which meetings of members may be called or to conduct the meeting in the manner prescribed by this Act, the articles or by-laws, the court may, on the application of a director or a member who would be entitled to vote at the meeting, order a meeting to be called, held and conducted in such manner as the court thinks fit, and any meeting called, held and conducted in accordance with the order shall for all purposes be deemed to be a meeting of members of the co-operative duly called, held and conducted.

Record
dates

82. The by-laws may provide for the fixing in advance of a date as the record date,

- (a) for the determination of the members entitled to notice of meetings of the members, which record date for notice shall not be more than fifty days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and
- (b) for the determination of the members entitled to vote at meetings of the members which record date for voting shall not be more than two days, excluding Saturdays and holidays, before the date of the meeting and where no such record date for voting is fixed, the record date for voting shall be the time of the taking of the vote.

83.—(1) Where a person holds shares as a personal representative of a member, the personal representative is entitled to vote at all meetings of members. Personal representative

(2) Where a person mortgages or hypothecates his shares, that person is the person entitled to vote at all meetings of members unless, in the instrument creating the mortgage or hypothec, he has expressly empowered the person holding the mortgage or hypothec to vote, in which case, subject to the articles, such holder is the person entitled to vote. Mortgagee, etc.

84. Where two or more persons hold the same share or shares jointly, any one of such persons present at a meeting of members has the right in the absence of the other or others to vote, but, if more than one of such persons are present and vote, they shall vote together as one on the share or shares jointly held by them. Joint shareholders

DIRECTORS AND OFFICERS

Directors

85.—(1) Every co-operative shall have a board of directors however designated. Board of directors

(2) The board of directors shall consist of a fixed number of directors, not fewer than five. Composition

(3) A majority of directors on the board of directors of every co-operative shall be resident Canadians. Idem

86.—(1) Each of the persons named as first directors in the articles of a co-operative is a director of the co-operative until replaced by a person duly elected or appointed in his stead. First directors

(2) The first directors of a co-operative have all the powers and duties and are subject to all the liabilities of directors. Idem

87. No person shall be a director of a co-operative unless he is a member thereof or a director, officer, shareholder or member of a corporate member thereof, and, where a director or a corporation of which he is an officer, director, shareholder or member ceases to be a member, he thereupon ceases to be a director. Directors to be members

88.—(1) A co-operative may by by-law increase or, subject to subsection 2 of section 85, decrease the number of its directors as set out in its articles. Change in number of directors

(2) Where a co-operative incorporated under *The Corporations Act* or a predecessor of that Act or under a general or special Act of the Legislature before the coming into Idem R.S.O. 1970, c. 89

force of this Act has fewer than five directors, it shall, under subsection 1, within two years of the coming into force of this Act, increase the number of its directors to not fewer than five.

Filing of
by-law

(3) A co-operative shall file with the Minister a certified copy of the by-law within ten days after the by-law has been confirmed by the members.

Validity

(4) Failure to comply with subsection 3 does not affect the validity of the by-law.

Age of
directors

89.—(1) No person under eighteen years of age shall be a director of a co-operative.

Qualifications

(2) No undischarged bankrupt or mentally incompetent person shall be a director, and, if a director becomes a bankrupt or a mentally incompetent person, he thereupon ceases to be a director.

Consent

(3) A person who is elected or appointed a director is not a director unless,

(a) he was present at the meeting when he was elected or appointed and did not refuse at the meeting to act as director;

(b) where he was not present at the meeting when he was elected or appointed, he consented to act as director in writing before his election or appointment or within ten days thereafter.

Idem

(4) For the purposes of subsection 3, a person who is elected or appointed as director and refuses under clause *a* of subsection 3 or fails to consent under clause *b* of subsection 3 shall be deemed not to have been elected or appointed as a director.

Election of
directors

90.—(1) The directors shall be elected by the members in general meeting, and the election shall be by ballot in the manner prescribed by section 91.

Idem

(2) The election of directors shall take place yearly or at such other interval not exceeding five years as is provided by the articles and all the directors then in office shall retire, but are eligible for re-election.

Continuance
in office

(3) If an election of directors is not held within the prescribed period, the directors continue in office until their successors are elected.

(4) The articles or by-laws may provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than five years and at least two directors shall retire from office in each year. Rotation

(5) It shall not be necessary for all directors to hold office for the same term. Idem

91. Every member entitled to vote at an election of directors, if he votes, shall cast thereat a number of votes equal to the number of directors to be elected, and the member shall distribute the votes among the candidates in such manner as he sees fit, but no candidate shall receive more than one vote from each member. Voting for directors

92.—(1) Subject to subsection 2, where a vacancy occurs in the board, and a quorum of directors remains, the directors remaining in office may appoint a qualified person to fill the vacancy for the remainder of the term, but the articles may provide that such vacancy may only be filled by election at a general meeting of the members duly called for that purpose. Vacancies

(2) Where the number of directors is increased, the vacancies resulting from such increase shall only be filled by election at a general meeting of the members duly called for that purpose. Idem

(3) When there is not a quorum of directors in office, the director or directors then in office shall forthwith call a general meeting of the members to fill the vacancies, and, in default or if there are no directors then in office, the meeting may be called by any member. Idem, where no quorum

93. Unless the articles or by-laws otherwise provide, a majority of the board of directors constitutes a quorum, but in no case shall a quorum be less than two-fifths of the board of directors. Quorum of directors

94.—(1) Subject to subsection 2, the meetings of the board of directors and the executive committee shall be held at the place where the head office of the co-operative is located. Place of meetings

(2) Where the by-laws of the co-operative so provide, the meetings of the board of directors and of the executive committee may be held at any place within or outside Ontario, but in any financial year of the co-operative a majority of the meetings of the board of directors and a majority of the meetings of the executive committee shall be held at a place within Canada. Exception

(3) Subject to the by-laws of the co-operative, where all the directors have consented thereto, any director may par- Meetings by telephone

ticipate in a meeting of the board of directors or of the executive committee by means of conference, telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a director participating in a meeting pursuant to this subsection shall be deemed for the purposes of this Act to be present in person at that meeting.

Place of
meetings by
telephone

(4) If a majority of the directors participating in a meeting held pursuant to subsection 3 are then in Canada, the meeting shall be deemed to have been held in Canada.

Calling
meetings of
directors

95.—(1) In addition to any other provision in the articles or by-laws of a co-operative for calling meetings of directors, a quorum of the directors may, at any time, call a meeting of the directors for the transaction of any business the general nature of which is specified in the notice calling the meeting.

Notice

(2) In the absence of any other provision in that behalf in the by-laws of the co-operative, notice of the time and place for the holding of the meeting called under subsection 1 shall be given to every director of the co-operative by sending the notice by prepaid mail ten days or more before the date of the meeting to his latest address as shown on the records of the co-operative.

Duties

96.—(1) The board of directors shall manage or supervise the management of the affairs and business of the co-operative.

Conduct of
business

(2) Subject to section 97, no business of a co-operative shall be transacted by its board of directors except at a meeting of directors at which a quorum of the board is present and at which a majority of the directors present are resident Canadians.

Idem

(3) Where there is a vacancy or vacancies in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.

Executive
committee

97.—(1) Where the number of directors of a co-operative is more than six, and if authorized by a by-law, the directors may elect from among their number an executive committee consisting of not fewer than three of whom a majority shall be resident Canadians and may delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the directors.

Quorum

(2) An executive committee may fix its quorum, which shall be not less than a majority of its members.

(3) No business shall be transacted by an executive committee except at a meeting of its members at which a quorum of the executive committee is present and at which a majority of the members present are resident Canadians.

Conduct of
business

98.—(1) Every director of a co-operative who has, directly or indirectly, any interest in any contract or transaction to which the co-operative or a subsidiary thereof is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the co-operative and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the co-operative or a subsidiary thereof, the cost of the property to the purchaser and the cost thereof to the seller, if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum.

Disclosure by
directors of
interests in
contracts

(2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless,

Interest
to be
material

(a) the interest and the contract or transaction are both material; or

(b) the subject of the contract or transaction is of a type not available to all members of the co-operative.

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the co-operative's business, would not require approval by the directors or shareholders, at the first meeting of the directors held after the director becomes aware of it.

When
declaration
of interest
to be made

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the co-operative, the director, if he was acting honestly and in good

Effect of
declaration

faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the co-operative or to its members for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interests of the co-operative at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

Confirmation
by members

(5) Notwithstanding anything in this section, a director, if he was acting honestly and in good faith, is not accountable to the co-operative or to its members for any profit or gain realized from any such contract or transaction by reason only of his holding the office of director, and the contract or transaction, if it was in the best interests of the co-operative at the time it was entered into, is not by reason only of the director's interest therein voidable,

- (a) if the contract or transaction is confirmed or approved by at least two-thirds of the votes cast at a general meeting of the members duly called for that purpose; and
- (b) if the nature and extent of the director's interest in the contract or transaction are declared and disclosed in reasonable detail in the notice calling the meeting.

General
notice of
interest

(6) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of or has a material interest in a person that is a party to a contract or proposed contract with the co-operative is a sufficient declaration of interest in relation to any contract so made.

Liability of
directors re
purchase of
shares

99.—(1) Where a co-operative acquires any of its shares or repays any of its loans in contravention of this Act or the articles, the directors who voted in favour of or consented to the resolution authorizing the acquisition or repayment are jointly and severally liable to the co-operative to the extent of the amount paid out.

Application
to court

(2) Where a co-operative acquires any of its shares or repays any of its loans in contravention of this Act or the articles,

- (a) any member of the co-operative; or
- (b) where the acquisition or repayment is in contravention of subsection 2 of section 32, subsection 1

of section 67 or section 69, any creditor of the co-operative who was a creditor at the time of the acquisition or repayment,

may apply to the court within two years of the acquisition or repayment and the court may, if it considers it to be just and equitable under the circumstances, make an order making any member whose shares were acquired liable to the co-operative jointly and severally with the directors, to the extent of the amount paid to him.

100. Where any dividend is declared and paid in contra-
vention of section 58,

Liability
of directors
re dividends

- (a) the directors who voted in favour of or consented to the resolution authorizing the declaration of the dividend are jointly and severally liable to the co-operative to the extent of the amount of the dividend so declared and paid or such part thereof as renders the co-operative insolvent or diminishes its capital; and
- (b) any member of the co-operative or any creditor of the co-operative who was a creditor at the time of the declaration of the dividend may apply to the court within two years of the declaration, and the court may, if it considers it to be just and equitable under the circumstances, make an order making any member to whom the dividend is paid jointly and severally liable with the directors to the extent of the amount of the dividend paid to him.

101.—(1) A director who was present at a meeting of the
board of directors or an executive committee thereof when,

Consent of
director at
meeting

- (a) the redemption or purchase of shares of the co-operative is authorized;
 - (b) the declaration and payment of a dividend is authorized; or
 - (c) the repayment of loans to members is authorized,
- shall be deemed to have consented thereto unless,
- (d) his dissent is entered in the minutes of the meeting;
 - (e) he files his written dissent with the person acting as secretary of the meeting before its adjournment; or

- (f) he delivers or sends his dissent by registered mail to the co-operative immediately after the adjournment of the meeting,

and within seven days after complying with clause *d*, *e* or *f* he sends a copy of his dissent by registered mail to the Minister.

Idem

(2) A director who voted in favour of a matter referred to in subsection 1 is not entitled to dissent under subsection 1.

Consent of
director
not at
meeting

(3) A director who was not present at a meeting of the board of directors or any executive committee thereof when,

(a) the redemption or purchase of shares of the co-operative is authorized;

(b) the declaration and payment of a dividend is authorized; or

(c) the repayment of loans to members is authorized,

shall be deemed to have consented thereto unless,

(d) he delivers or sends to the co-operative by registered mail his dissent; or

(e) he causes his dissent to be filed with the minutes of the meeting,

within seven days after he becomes aware of the authorization referred to in clause *a*, *b* or *c* and unless, within seven days after complying with clause *d* or *e*, he sends a copy of his dissent by registered mail to the Minister.

Exception to
liability

102.—(1) A director is not liable under section 99 or 100 if, in the circumstances, he discharged his duty to the co-operative in accordance with section 108.

Liability not
excluded

(2) The liability imposed by this Act upon a director is in addition to any other liability that is by law imposed upon him.

Liability of
directors for
wages

R.S.O. 1970,
cc. 263, 147

103.—(1) The directors of a co-operative are jointly and severally liable to the employees of the co-operative to whom *The Master and Servant Act* applies for all debts that become due while they are directors for services performed for the co-operative, not exceeding six months wages, and for the vacation pay accrued for not more than twelve months under *The Employment Standards Act* and the regulations thereunder or under any collective agreement made by the co-operative.

(2) A director is liable under subsection 1,

Limitation of
liability

(a) only if,

(i) the co-operative has been sued for the debt within six months after it has become due and execution against the co-operative has been returned unsatisfied in whole or in part, or

(ii) the co-operative has within that period gone into liquidation or has been ordered to be wound up or has made an authorized assignment under the *Bankruptcy Act* (Canada), or <sup>R.S.C. 1970,
c. B-3</sup> a receiving order under the *Bankruptcy Act* (Canada) has been made against it and, in any such case, the claim for the debt has been proved; and

(b) he is sued for the debt while he is a director or within two years after he ceases to be a director.

(3) After execution has been so returned against the co-operative, the amount recoverable against the director is the amount remaining unsatisfied on the execution. ^{Idem}

(4) If the claim for the debt has been proved in liquidation or winding-up proceedings or under the *Bankruptcy Act* (Canada), a director who pays the debt is entitled to any preference that the creditor paid would have been entitled to or, if a judgment has been recovered for the debt, the director is entitled to an assignment of the judgment. <sup>Rights of
director
who pays
the debt</sup>

104. The members may, by resolution passed by a majority of the votes cast at a general meeting duly called for that purpose, remove any director before the expiration of his term of office and may, by a majority of the votes cast at the meeting, elect any person in his stead for the remainder of his term. <sup>Removal of
directors</sup>

Officers

105.—(1) A co-operative shall have a president and a secretary and such other officers as are provided for by by-law or by resolution of the directors. ^{Officers}

(2) In the absence of other provisions in that behalf in the articles or by-laws, the directors, <sup>Election and
appointment</sup>

(a) shall elect the president from among themselves;

- (b) shall appoint or elect the secretary ; and
- (c) may appoint or elect one or more vice-presidents or other officers.

Chairman
of the board

106. A co-operative may by by-law,

- (a) provide for the election or appointment by the directors from among themselves of a chairman of the board ;
- (b) define the duties of the chairman ;
- (c) assign to the chairman all or any of the duties of the president or of any other officer of the co-operative,

and, if the by-law assigns to the chairman any of the duties of the president, it shall also fix and prescribe the duties of the president.

Qualifica-
tions of
chairman
and president

107. Unless the articles or by-laws otherwise provide, no person shall be the president of a co-operative unless he is a director of the co-operative, but no other officer except the chairman of the board need be a director.

General

Standard of
care of
directors and
officers

108. Every director and officer of a co-operative shall exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the co-operative, and in connection therewith shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Validity of
acts of
directors and
officers

109. An act done by a director or by an officer is not invalid by reason only of any defect that is thereafter discovered in his appointment, election or qualification.

Indemnifica-
tion of
directors and
officers

110.—(1) Subject to subsection 2, the by-laws of a co-operative may provide that every director and officer of the co-operative and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the co-operative from and against,

- (a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office ; and

- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the co-operative.

(2) No director or officer of a co-operative shall be indemnified by the co-operative in respect of any liability, costs, charges or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as director or officer, he has achieved complete or substantial success as a defendant.

(3) A co-operative may purchase and maintain insurance for the benefit of a director or officer thereof, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of a contravention of section 108.

INSIDERS

111.—(1) Every insider of a co-operative or associate or affiliate of such insider who, in connection with a transaction relating to the securities of the co-operative, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person for any direct loss suffered by such person as a result of the transaction, unless the information was known or ought reasonably to have been known to such person at the time of the transaction, and is also accountable to the co-operative for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of the transaction.

(2) An action to enforce any right created by subsection 1 may be commenced only within two years after the date of completion of the transaction that gave rise to the cause of action.

(3) In this section,

(a) “associate”, where used to indicate a relationship with any person, means,

- (i) any corporation of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding,

- (ii) any partner of that person acting by or for the partnership of which they are both partners,
 - (iii) any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity,
 - (iv) any spouse, son or daughter of that person, or
 - (v) any relative of such person or of his spouse, other than a relative referred to in subclause iv, who has the same home as such person;
- (b) “insider” or “insider of a co-operative” means any director or senior officer of a co-operative.

Idem

(4) For the purposes of this section, one corporation shall be deemed to be affiliated with another corporation if, but only if, one of them is the subsidiary of the other.

Order to
commence
action

112.—(1) Upon application by any person who was at the time of a transaction referred to in subsection 1 of section 111 or is at the time of the application an owner of securities of the co-operative, the court may, if satisfied that,

- (a) such person has reasonable grounds for believing that the co-operative has a cause of action under section 111; and
- (b) either,
 - (i) the co-operative has refused or failed to commence an action under section 111 within sixty days after receipt of a written request from such person so to do, or
 - (ii) the co-operative has failed to prosecute diligently an action commenced by it under section 111,

make an order, upon such terms as to security for costs and otherwise as to the court seems fit, requiring the Minister to commence or continue an action in the name of and on behalf of the co-operative to enforce the liability created by section 111.

(2) The applicant under subsection 1 shall give to the co-operative and the Minister notice of his application, and the co-operative and the Minister have the right to appear and be heard thereon. Notice

(3) Every order made under subsection 1 shall provide that the co-operative shall co-operate fully with the Minister in the institution and prosecution of the action and shall make available to the Minister all records, documents and other material or information known to the co-operative or reasonably ascertainable by the co-operative relevant to the action. Order to co-operate

RECORDS

113.—(1) Where this Act requires a record to be kept by a co-operative, it may be kept in a bound or looseleaf book, or by means of a mechanical, electronic or other device. Records

(2) Where a record is not kept in a bound book, the co-operative shall, Where not in bound book

- (a) take adequate precautions, appropriate to the means used, for guarding against the risk of falsifying the information recorded; and
- (b) provide means for making the information available in an accurate and intelligible form within a reasonable time to any person lawfully entitled to examine the record.

(3) The bound or looseleaf book or, where the record is not kept in a bound or looseleaf book, the information in the form in which it is made available under clause *b* of subsection 2 is admissible in evidence as *prima facie* proof, before and after dissolution of the co-operative, of all facts stated therein. Admissibility of records in evidence

(4) No person shall remove, withhold or destroy information required by this Act or the regulations to be recorded, or, False information

- (a) record or assist in recording any information in a record; or
- (b) make information purporting to be accurate available in a form referred to in clause *b* of subsection 2,

knowing it to be untrue.

114. A co-operative shall cause to be kept the following records: Records

1. A copy of the articles of the co-operative.

2. All by-laws and resolutions, including special resolutions, of the co-operative.
3. A register of members and security holders in which is set out the names alphabetically arranged or alphabetically indexed in appropriate categories of,
 - i. in a co-operative with share capital, all persons who are or have been within ten years registered as holders of shares in the co-operative and the address including the street and number, if any, of every such person while a holder, in which are set out also the number and class of shares held by such holder,
 - ii. in a co-operative without share capital, all persons who are or have been within ten years registered as members of the co-operative and the address including the street and number, if any, of every such person while a member,
 - iii. in a co-operative with or without share capital, all persons who are or who have been holders of debt obligations other than debt obligations in bearer form of the co-operative and the address including the street and number, if any, of every such person while a holder in which are set out also the class or series and principal amount of the debt obligations held by such holder.
4. A register of directors in which are set out the names and residence addresses while directors, including the street and number, if any, of all persons who are or have been directors of the co-operative with the several dates on which they have become or ceased to be a director.
5. Proper accounting records in which are set out all financial and other transactions of the co-operative including, without limiting the generality of the foregoing, records of,
 - i. all sums of money received and disbursed by the co-operative and the matters with respect to which receipt and disbursement took place,
 - ii. all sales and purchases of the co-operative,
 - iii. the assets and liabilities of the co-operative, and

iv. all other transactions affecting the financial position of the co-operative.

6. The minutes of all proceedings at meetings of members, directors and any executive committee.

115. Every co-operative shall cause to be kept a register^{Register of transfers} of transfers in which all transfers of securities issued by the co-operative in registered form and the date and other particulars of each transfer shall be set out.

116. A co-operative may appoint a registrar and a transfer^{Transfer agent} agent to keep the register of security holders and the register of transfers.

117.—(1) The register of security holders and the register^{Where registers to be kept} of transfers shall be kept at the head office of the co-operative or at such other office or place in Ontario as is appointed by resolution of the directors.

(2) Registration of the transfer of a security of the co-^{Valid registration}operative in the register of transfers is a complete and valid registration for all purposes.

(3) A co-operative, registrar or transfer agent is not liable^{Destruction of spent documents} to produce a security certificate or any document that is evidence of the issue or transfer of the security certificate after six years,

(a) in the case of a share certificate, from the date of its cancellation; or

(b) in the case of a certificate representing a debt obligation, from the date of retirement of the whole debt obligation of which the certificate represents a part.

118.—(1) The records mentioned in sections 114 and 115^{Records open to examination by directors} shall, during the normal business hours of the co-operative, be open to examination by any director and shall, except as provided in section 117 and in subsections 2 and 3 of this section, be kept at the head office of the co-operative.

(2) A co-operative may keep at any place where it conducts^{Records of account at branch} its affairs such parts of the accounting records as relate to the operations, business and assets and liabilities of the co-operative carried on, supervised or accounted for at such place, but there shall be kept at the head office of the co-operative or such other place as is authorized under subsection 3 such records as will enable the directors to ascertain quarterly with reasonable accuracy the financial position of the co-operative.

Order for
removal of
records

(3) Where a co-operative,

- (a) shows, to the satisfaction of the Minister, the necessity of keeping all or any of the records mentioned in subsection 1 at a place other than the head office of the co-operative; and
- (b) gives to the Minister adequate assurance, by surety bond or otherwise, that such records will be open for examination,
 - (i) at the head office or some other place in Ontario designated by the Minister, and
 - (ii) by any person who is entitled to examine them and who has applied to the Minister for such an examination,

the Minister may, by order and upon such terms as he thinks fit, permit the co-operative to keep such of them at such place or places, other than the head office, as he thinks fit and the Minister may by order and upon such terms as he sees fit rescind any such order.

Examination
of records
by members
and creditors

119.—(1) Subject to section 120, the records of a co-operative mentioned in section 114 or 115, other than accounting records, resolutions of directors and the minutes of proceedings at meetings of directors and any executive committee, shall, during the normal business hours of the co-operative and at the place or places where they are kept, be open to examination by the members and creditors or their agents or personal representatives, and any of them may make extracts therefrom.

Idem

(2) No person shall refuse to permit a person entitled thereto to inspect such records or to make extracts therefrom.

Lists of
members
and security
holders

120.—(1) Any member or creditor, upon filing with the co-operative or its agent the affidavit referred to in subsection 2 may,

- (a) make or cause to be made; or
- (b) require a co-operative or its transfer agent to make, upon payment of a reasonable charge therefor,

a list setting out the names alphabetically arranged of all or any members or security holders or both of the co-operative and the addresses of each such person as shown on the records of the co-operative made up to a date not more than ten days before the date of filing the affidavit.

(2) The affidavit referred to in subsection 1 shall be made by the applicant and shall be in the following form: Form of affidavits

Form of Affidavit

Province of Ontario }
County of }

In the matter of
(Insert name of co-operative)

I, of the of
in the of
make oath and say:

(Where the applicant is a corporation, indicate office and authority of deponent.)

- 1. I am a member or a creditor of the above-named co-operative.
- 2. I require the list (or require to make a list) of the members (security holders) of the above-named co-operative.
- 3. I require the list of members (security holders) only for purposes connected with the above-named co-operative.
- 4. The list of members (security holders) and the information contained therein will be used only for purposes connected with the above-named co-operative.

Sworn, etc.

(3) Where the applicant is a corporation, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the corporation. Idem, where applicant a corporation

(4) No person shall use a list of all or any of the members of a co-operative obtained under this section, Use of list

- (a) for the purpose of delivering or sending to all or any of the members advertising or other printed matter relating to securities other than the securities of the co-operative; or
- (b) for any purpose not connected with the co-operative.

(5) Every co-operative or transfer agent shall furnish a list in accordance with subsection 1 when so required. Duty to furnish

Purposes
of list

(6) Purposes connected with the co-operative include any effort to influence the voting of members or security holders at any meeting thereof.

Trafficking
in lists

121. No person shall offer for sale or sell or purchase or otherwise traffic in a list or a copy of a list of all or any of the members of a co-operative.

Power of
court to
correct

122.—(1) Where the name of a person is, without sufficient cause, entered in or omitted from the records of a co-operative other than accounting records, or if default is made or unnecessary delay takes place in entering therein the fact of any person having ceased to be a security holder or member of the co-operative, the person aggrieved, or any security holder or member of the co-operative, or the co-operative itself, may apply to the court for an order that the records be rectified, and the court may dismiss such application or make an order for the rectification of the records and may direct the co-operative to compensate the party aggrieved for any damage he has sustained.

Decision
as to title

(2) Any court may, in any proceeding under this section, decide any question relating to the entitlement of a person who is a party to the proceeding to have his name entered in or omitted from such records whether the question arises between two or more security holders or members or alleged security holders or members, or between any security holders or members or alleged security holders or members and the co-operative.

Trial of
issue

(3) The court may direct an issue to be tried.

Jurisdiction
of court not
affected

(4) This section does not deprive any court of any jurisdiction it otherwise has.

AUDITORS AND FINANCIAL STATEMENTS

Exemption
from audit
provisions

123.—(1) Where in a financial year all the members in a co-operative that,

- (a) has fifteen or fewer members;
- (b) has capital not exceeding \$15,000 as shown on the financial statement of the co-operative for the preceding year; and
- (c) has assets not exceeding \$50,000 and sales or gross operating revenues not exceeding \$100,000, as shown on the financial statement of the co-operative for the preceding year,

consent in writing, the co-operative is exempt from sections 124 and 125, subsections 1 and 2 of section 126, section 127 and clause *b* of subsection 1 and subsection 3 of section 128 in respect of the financial year in which the consent is given.

(2) For the purposes of this section, capital shall be computed by adding together the sums represented by the amounts of, <sup>Interpre-
tation
of capital</sup>

- (a) member and patronage loans made to the co-operative that are outstanding;
- (b) issued capital determined in accordance with section 29;
- (c) unsecured long-term debt; and
- (d) surplus,

as shown on the financial statement of the co-operative for the preceding year.

124.—(1) The members of a co-operative at their first ^{Auditors} general meeting shall appoint one or more auditors to hold office until the close of the first annual meeting and, if the members fail to do so, the directors shall forthwith make such appointment or appointments.

(2) The members shall at each annual meeting appoint one ^{Idem} or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in office until a successor is appointed.

(3) The directors may fill any casual vacancy in the office <sup>Casual
vacancy</sup> of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

(4) The members may, by resolution passed by a majority <sup>Removal of
auditor</sup> of the votes cast at a general meeting duly called for the purpose, remove an auditor before the expiration of his term of office, and shall by a majority of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

(5) Before calling a general meeting for the purpose speci- <sup>Notice to
auditor</sup> fied in subsection 4, the co-operative shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor,

(a) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(b) a copy of all material proposed to be sent to members in connection with the meeting.

Right of
auditor to
make repre-
sentations

(6) An auditor has the right to make to the co-operative, three days or more before the mailing of the notice of the meeting, representations in writing, concerning,

(a) his proposed removal as auditor;

(b) the appointment or election of another person to fill the office of auditor; or

(c) his resignation as auditor,

and the co-operative, at its expense, shall forward with the notice of the meeting a copy of such representations to each member entitled to receive notice of the meeting.

Remuner-
ation

(7) The remuneration of an auditor appointed by the members shall be fixed by the members, or by the directors if they are authorized so to do by the members, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.

Appointment
by court

(8) If for any reason no auditor is appointed, the court may, on the application of a member, appoint one or more auditors to hold office until the close of the next annual meeting and may fix the remuneration to be paid by the co-operative for his or their services.

Notice of
appointment

(9) The co-operative shall give notice in writing to an auditor of his appointment forthwith after the appointment is made.

Notice to
auditor of
proposal to
appoint
another

125.—(1) If, at an annual meeting of members, it is proposed to appoint an auditor, other than the incumbent auditor, the co-operative shall, fifteen days or more before the mailing of the notice of meeting, give to the incumbent auditor a written notice of management's intention not to recommend his reappointment at the annual meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed.

Right of
incumbent
auditor to
make rep-
resentations

(2) The incumbent auditor has the right to make to the co-operative, three days or more before the mailing of the notice of the meeting, representations in writing concerning the proposal not to reappoint him as auditor, and the co-operative,

at its expense, shall forward with the notice of the meeting a copy of such representations to each member entitled to receive notice of the meeting.

126.—(1) No person shall be appointed or act as auditor of a co-operative who is a director, officer or employee, or who has been, during the two years immediately preceding the proposed date of his appointment as auditor, a director, officer or employee of the co-operative or who is a partner, employer or employee of such director, officer or employee or who is a related person to any director or officer of the co-operative. Persons disqualified as auditors

(2) No person shall be appointed to act as auditor of a co-operative if he or any partner or employer of or related person to him transacts a material amount of business with the co-operative. Idem

(3) No person shall be appointed a receiver or a receiver and manager or liquidator of any co-operative of which he or any partner or employer of or a related person to him is the auditor or has been auditor within the two years preceding his appointment as receiver or receiver and manager or liquidator. Auditors not to be appointed receivers, etc.

(4) No person who is appointed a trustee of the estate of a co-operative under the *Bankruptcy Act* (Canada) or any partner or employer of or a related person to him shall be appointed or act as auditor of the co-operative. Trustee in bankruptcy not to be auditor
R.S.C. 1970,
c. B-3

127.—(1) The auditor shall make such examination as will enable him to report to the members as required by subsection 2. Annual audit

(2) The auditor shall make a report to the members on the financial statement, other than the part thereof that relates to the period referred to in subclause ii of clause *a* of subsection 1 of section 128, to be laid before the co-operative at any annual meeting during his term of office and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the co-operative and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any. Auditor's report

(3) Where the report under subsection 2 does not contain the unqualified opinion required thereby, the auditor shall state in his report the reasons therefor. Idem

(4) Where facts come to the attention of the officers or directors, Facts discovered after statement

- (a) which could reasonably have been determined prior to the date of the last annual meeting of the members ;
and
- (b) which, if known prior to the date of the last annual meeting of members, would have required a material adjustment to the financial statement presented to the meeting,

the officers or directors shall communicate such facts to the auditor who reported to the members under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

Amendment
of auditor's
report

(5) On the receipt of facts furnished under subsection 4 or from any other source, the auditor shall, if in his opinion it is necessary, amend his report in respect of the financial statement in accordance with subsection 3 and the directors or, if they fail to do so within a reasonable time, the auditor shall mail such amended report to the members.

Idem

(6) If the financial statement contains a statement of changes in net assets or a statement of source and application of funds, the auditor shall include in his report a statement whether in his opinion, in effect, the statement of changes in net assets or the statement of source and application of funds presents fairly the information shown therein.

Idem

(7) Whether or not the assets and liabilities and income and expense of any one or more subsidiaries of a co-operative are included in the financial statement of the co-operative, the report of the auditor of the co-operative required by subsection 2 may refer to the reports of auditors of one or more of such subsidiaries, but such reference shall not derogate from the duty of the auditor of the co-operative to comply with subsection 2.

Idem

(8) The auditor in his report shall make such statements as he considers necessary,

- (a) if the co-operative's financial statement is not in agreement with its accounting records ;
- (b) if the co-operative's financial statement is not in accordance with the requirements of this Act ;
- (c) if he has not received all the information and explanations that he has required ; or
- (d) if proper accounting records have not been kept, so far as appears from his examination.

(9) The auditor of a co-operative has right of access at all times to all records, documents, accounts and vouchers of the co-operative and is entitled to require from the directors, officers and employees of the co-operative such information and explanation as in his opinion are necessary to enable him to report as required by subsection 2. Right of access, etc.

(10) The auditor of a co-operative has right of access at all times to all records, documents, accounts and vouchers of all subsidiaries of the co-operative and is entitled to require from the directors, officers and employees of each such subsidiary such information and explanation as in his opinion are necessary to enable him to report as required by subsection 2. Idem

(11) Where a subsidiary referred to in subsection 10 is a corporation to which this Act does not apply, the co-operative shall make available to its auditor the records, documents, accounts and vouchers of that subsidiary and shall require the directors, officers and employees of that subsidiary to make available to its auditor the information and explanation required by subsection 10. Idem

(12) The auditor of a co-operative is entitled to attend any meeting of members of the co-operative and to receive all notices and other communications relating to any such meeting that a member is entitled to receive, and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. Auditor may attend members' meetings

(13) Any member of a co-operative, whether or not he is entitled to vote at meetings of members, may, by notice in writing to the co-operative given five days or more before any meeting of members, require the attendance of the auditor at such meeting at the co-operative's expense, and in such event the auditor shall attend the meeting. Member may require auditor's attendance at members' meeting

(14) At any meeting of members, the auditor, if present, shall answer inquiries directed to him concerning the bases upon which he formed the opinion stated in the report made under subsection 2. Auditors must answer inquiries

128.—(1) The directors shall lay before each annual meeting of members, Information to be laid before annual meeting

(a) a comparative financial statement relating separately to,

(i) the period that commenced on the date of incorporation and ended not more than six months before the annual meeting or, if the

co-operative has completed a financial year, that commenced immediately after the end of the last completed financial year and ended not more than six months before the annual meeting, as the case may be, and

- (ii) the period covered by the financial year next preceding such latest completed financial year, if any,

made up of,

- (iii) a statement of profit and loss for each period,
 - (iv) a statement of surplus for each period,
 - (v) a statement of patronage returns allocated to members during the year,
 - (vi) a statement of source and application of funds for each period, and
 - (vii) a balance sheet as at the end of each period;
- (b) the report of the auditor to the members; and
- (c) such further information respecting the financial position of the co-operative as the articles or by-laws of the co-operative require.

Designation
of
statements

(2) It is not necessary to designate the statements referred to in subsection 1 as the statement of profit and loss, statement of surplus, statement of patronage returns, statement of source and application of funds and balance sheet.

Auditor's
report to
be read

(3) The report of the auditor to the members shall be read at the annual meeting and shall be open to inspection at the meeting by any member.

Statement
of profit
and loss

129.—(1) The statement of profit and loss to be laid before an annual meeting shall be drawn up so as to present fairly the results of the operations of the co-operative for the period covered by the statement and so as to distinguish severally at least,

- (a) sales or gross operating revenue;
- (b) the operating profit or loss before including or providing for other items of income or expense that are required to be shown separately;

- (c) income from investments in subsidiaries whose financial statements are not consolidated with those of the co-operative;
- (d) income from other investments;
- (e) non-recurring profits and losses of significant amount including profits or losses on the disposal of capital assets and other items of a special nature to the extent that they are not shown separately in the statement of earned surplus;
- (f) any provision for depreciation or for obsolescence or for depletion;
- (g) amounts written off for goodwill or amortization of any other intangible assets to the extent that they are not shown separately in the statement of earned surplus;
- (h) interest on indebtedness initially incurred for a term of more than one year, including amortization of debt discount or premium and expense; and
- (i) taxes on income imposed by any taxing authority,

and shall show the net profit or loss for the financial period.

(2) Notwithstanding subsection 1, items of the nature^{Idem} described in clauses *f* and *g* of subsection 1 may be shown by way of note to the statement of profit and loss.

130.—(1) The statement of surplus to be laid before an annual meeting shall be drawn up so as to present fairly the transactions reflected in the statement and shall show separately a statement of contributed surplus and a statement of earned surplus.^{Statement of surplus}

(2) The statement of contributed surplus shall be drawn up so as to include and distinguish at least the following items:^{Contributed surplus}

1. The balance of such surplus at the end of the preceding financial period.
2. The additions to and deductions from such surplus during the financial period including,
 - i. the amount of surplus arising from the issue of shares or the reorganization of the co-operative's issued capital, including *inter alia*,

- a. the amount of premiums received on the issue of shares at a premium,
 - b. the amount of surplus realized on the purchase of shares,
 - ii. donations of cash or other property by members, and
 - iii. the amount of membership fees.
3. The balance of such surplus at the end of the financial period.

Earned
surplus

(3) The statement of earned surplus shall be drawn up so as to distinguish at least the following items:

- 1. The balance of such surplus at the end of the preceding financial period.
- 2. The additions to and deductions from such surplus during the financial period and without restricting the generality of the foregoing at least the following:
 - i. The amount of the net profit or loss for the financial period.
 - ii. The amount of dividends declared on each class of shares.
 - iii. The amount of patronage returns allocated to members.
 - iv. The amount transferred to or from reserves.
- 3. The balance of such surplus at the end of the financial period.

Treatment
of patronage
returns

131. Where a co-operative allocates patronage returns, the statement referred to in subclause v of clause *a* of subsection 1 of section 128 shall be drawn up to distinguish patronage returns according to services or products or groups of products acquired, marketed, handled, dealt in or sold or rendered by the customer or by the co-operative and such statement shall be so drawn as to present fairly the information shown therein for the period and show separately for members and non-members the amount of patronage returns allocated to each service, product or groups of products.

132. The statement of source and application of funds referred to in subclause vi of clause *b* of subsection 1 of section 128 shall be drawn up so as to present fairly the information shown therein for the period, and shall show separately at least,

- (a) funds derived from,
 - (i) current operations,
 - (ii) sale of non-current assets, segregating investments, fixed assets and intangible assets,
 - (iii) issue of debt obligations, including member loans, or other indebtedness maturing more than one year after issue,
 - (iv) issue of shares,
 - (v) membership fees; and
- (b) funds applied to,
 - (i) purchase of non-current assets, segregating investments, fixed assets and intangible assets,
 - (ii) redemption or other retirement of debt obligations or repayment of other indebtedness maturing more than one year after issue,
 - (iii) redemption or other retirement of shares,
 - (iv) payment of dividends,
 - (v) repayment of patronage loans,
 - (vi) payment of cash patronage returns, and
 - (vii) repayment of member loans.

133.—(1) The balance sheet to be laid before an annual meeting shall be drawn up so as to present fairly the financial position of the co-operative as at the date to which it is made up and so as to distinguish severally at least the following:

1. Cash.
2. Debts owing to the co-operative from its directors, officers or members, except debts of reasonable amount

arising in the ordinary course of its business that are not overdue having regard to its ordinary terms of credit.

3. Debts owing to the co-operative, whether on account of a loan or otherwise, from subsidiaries whose financial statements are not consolidated with those of the co-operative.
4. Other debts owing to the co-operative segregating those that arose otherwise than in the ordinary course of its business.
5. Inventory, stating the basis of valuation.
6. Shares, bonds, debentures and other investments owned by the co-operative, except those referred to in paragraph 7, stating their nature and the basis of their valuation and showing separately those that are marketable with a notation of their market value.
7. Securities of subsidiaries whose financial statements are not consolidated with those of the co-operative, stating the basis of valuation.
8. Lands, buildings and plant and equipment, stating the basis of valuation, whether cost or otherwise, and, if valued on the basis of an appraisal, the date of appraisal, the name of the appraiser, the basis of the appraisal value and, if such appraisal took place within five years preceding the date to which the balance sheet is made up, the disposition in the accounts of the co-operative of any amounts added to or deducted from such assets on appraisal and also the amount or amounts accumulated in respect of depreciation, obsolescence and depletion.
9. There shall be stated under separate headings, in so far as they are not written off,
 - i. expenditures on account of future business,
 - ii. any expense incurred in connection with any issue of shares,
 - iii. any expense incurred in connection with any issue of debt obligations, including any discount thereon, and
 - iv. any one or more of the following: goodwill, franchises, patents, copyrights, trade marks

and other intangible assets and the amount, if any, by which the value of any such assets has been written up within a period of five years preceding the date to which the balance sheet is made up.

10. Bank loans and overdrafts.
11. Debts owing by the co-operative, except those referred to in paragraphs 12 and 13, on loans from its directors, officers or members.
12. Debts owing by the co-operative on loans from members, called "member loans" referred to in section 49.
13. Debts owing by the co-operative to members on the compulsory loans of patronage returns referred to in subsection 4 of section 56.
14. Debts owing by the co-operative to subsidiaries whose financial statements are not consolidated with those of the co-operative, whether on account of a loan or otherwise.
15. Other debts owing by the co-operative, segregating those that arose otherwise than in the ordinary course of its business.
16. Liability for taxes, including the estimated liability for taxes in respect of the income of the period covered by the statement of profit and loss.
17. Dividends declared but not paid.
18. Deferred income.
19. Debt obligations issued by the co-operative, stating the interest rate, the maturity date, the amount outstanding and the existence of sinking fund, redemption requirements and conversion rights, if any.
20. The authorized capital, giving the number of each class of shares and a brief description of each such class, and indicating therein any class of shares that is redeemable and the redemption price thereof.
21. The issued capital, giving the number of shares of each class issued and outstanding and the amount

received therefor that is attributable to capital, and showing,

- i. the number of shares of each class issued since the date of the last preceding balance sheet and the value attributed thereto, distinguishing shares issued for cash, shares issued for services and shares issued for other consideration, and
- ii. where any shares issued before this Act comes into force have not been fully paid,
 - a. the number of shares in respect of which calls have not been made and the aggregate amount that has not been called, and
 - b. the number of shares in respect of which calls have been made and not paid and the aggregate amount that has been called and not paid.

22. Contributed surplus.

23. Earned surplus.

24. Reserves, showing the amounts added thereto and the amounts deducted therefrom during the financial period.

25. The aggregate number of shares of the co-operative purchased and resold since the date of the last preceding balance sheet.

Notes

(2) Explanatory information or particulars of any item mentioned in subsection 1 may be shown by way of note to the balance sheet.

Notes to
financial
statement

134.—(1) There shall be stated by way of note to the financial statement particulars of any change in accounting principle or practice or in the method of applying any accounting principle or practice made during the period covered that affects the comparability of any of the statements with any of those for the preceding period, and the effect, if material, of any such change upon the profit or loss for the period.

Change in
accounting
practice

(2) For the purpose of subsection 1, a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a state-

ment with that for the preceding period, even though such change did not have a material effect upon the profit or loss for the period.

(3) Where applicable, the following matters shall be referred ^{Idem} to in the financial statement or by way of note thereto:

1. The basis of conversion of amounts from currencies other than the currency in which the financial statement is expressed.
2. Foreign currency restrictions that affect the assets of the co-operative.
3. Contractual obligations that will require abnormal expenditures in relation to the co-operative's normal business requirements or financial position or that are likely to involve losses not provided for in the accounts.
4. Material contractual obligations in respect of long-term leases, including, in the year in which the transaction was effected, the principal details of any sale and lease transaction.
5. Contingent liabilities, stating their nature and, where practicable, the approximate amounts involved.
6. Any liability secured otherwise than by operation of law on any asset of the co-operative, stating the liability so secured.
7. Any default of the co-operative in principal, interest, sinking fund or redemption provisions with respect to any issue of its debt obligations or credit agreements.
8. The gross amount of arrears of dividends on any class of shares and the date to which such dividends were last paid.
9. Where a co-operative has contracted to issue shares or has given an option to purchase shares, the class and number of shares affected, the price and the date for issue of the shares or exercise of the option.
10. Where a co-operative has contracted to purchase or resell common shares, the number of shares affected and price and date for the purchase or resale.

11. The aggregate direct remuneration paid or payable by the co-operative and its subsidiaries whose financial statements are consolidated with those of the co-operative to the directors and the senior officers and, as a separate amount, the aggregate direct remuneration paid or payable to such directors and senior officers by the subsidiaries of the co-operative whose financial statements are not consolidated with those of the co-operative.
12. In the case of a co-operative with subsidiaries, the aggregate of any shares in, and the aggregate of any debt obligations of, that co-operative held by a subsidiary corporation whose financial statements are not consolidated with those of the co-operative.
13. The amount of any loans by the co-operative, or by a subsidiary corporation, otherwise than in the ordinary course of business, during the co-operative's financial period, to the directors or officers of the co-operative.
14. Any restriction by the articles or by-laws of the co-operative or by contract on the payment of dividends that is significant in the light of the co-operative's financial position.
15. Any event or transaction, other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditor's report thereon that materially affects the financial statement.
16. The amount of any obligation for pension benefits arising from service before the date of the balance sheet, whether or not such obligation has been provided for in the accounts of the co-operative, the manner in which the co-operative proposes to satisfy such obligation and the basis on which it has charged or proposes to charge the related costs against operations.
17. Brief particulars of any action to which the co-operative is a party commenced under section 68 during the period.
18. In the case of a co-operative that transacts business with non-members,
 - (i) where the amount of business transacted with non-members exceeds 20 per cent, a statement setting out the percentage of such business, or

- (ii) where the amount of business transacted with non-members does not exceed 20 per cent, a statement to this effect.

(4) A note to a financial statement is a part of it.

Idem

(5) In this section, "senior officer" does not include each of the five highest paid employees of a co-operative.

Interpre-
tation
of senior
officer

135.—(1) A co-operative, in this section referred to as "the holding co-operative", may include in the financial statement to be submitted at an annual meeting the assets and liabilities and income and expense of any one or more of its subsidiaries, making due provision for minority interests, if any, and indicating in such financial statement that it is presented in consolidated form.

Consolidated
financial
statement

(2) Where the assets and liabilities and income and expense of any one or more subsidiaries of the holding co-operative are not so included in the financial statement of the holding co-operative,

Non-
consolidated
financial
statement

(a) the financial statement of the holding co-operative shall include a statement setting forth,

- (i) the reason why the assets and liabilities and income and expense of such subsidiary or subsidiaries are not included in the financial statement of the holding co-operative,
- (ii) if there is only one such subsidiary, the amount of the holding co-operative's proportion of the profit or loss of the subsidiary for the financial period coinciding with or ending in the financial period of the holding co-operative, or, if there is more than one such subsidiary, the amount of the holding co-operative's proportion of the aggregate profits less losses, or losses less profits, of all the subsidiaries for the respective financial periods coinciding with or ending in the financial period of the holding co-operative,
- (iii) the amount included as income from such subsidiary or subsidiaries in the statement of profit and loss of the holding co-operative and the amount included therein as a provision for the loss or losses of the subsidiary or subsidiaries,

- (iv) if there is only one such subsidiary, the amount of the holding co-operative's proportion of the undistributed profits of the subsidiary earned since the acquisition of the shares of the subsidiary by the holding co-operative to the extent that such amount has not been taken into the accounts of the holding co-operative, or, if there is more than one such subsidiary, the amount of the holding co-operative's proportion of the aggregate undistributed profits of all the subsidiaries earned since the acquisition of their shares by the holding co-operative less its proportion of the losses, if any, suffered by any subsidiary since the acquisition of its shares to the extent that such amount has not been taken into the accounts of the holding co-operative,
 - (v) any qualifications contained in the report of the auditor of any such subsidiary on its financial statement for the financial period ending as aforesaid, and any note or reference contained in that financial statement to call attention to a matter that, apart from the note or reference, would properly have been referred to in such a qualification, in so far as the matter that is the subject of the qualification or note is not provided for by the co-operative's own financial statement and is material from the point of view of its members;
- (b) if for any reason the directors of the holding co-operative are unable to obtain such information as is necessary for the preparation of the statement that is to be included in the financial statement of the holding co-operative, the directors who sign the financial statement shall so report in writing and their report shall be included in the financial statement in lieu of the statement;
- (c) if, in the opinion of the auditor of the holding co-operative, adequate provision has not been made in the financial statement of the holding co-operative for the holding co-operative's proportion,
- (i) where there is only one such subsidiary, of the loss of the subsidiary suffered since acquisition of its shares by the holding co-operative, or

- (ii) where there is more than one such subsidiary, of the aggregate losses suffered by the subsidiaries since acquisition of their shares by the holding co-operative in excess of its proportion of the undistributed profits, if any, earned by any of the subsidiaries since such acquisition,

the auditor shall state in his report the additional amount that in his opinion is necessary to make full provision therefor.

(3) Whether or not the assets and liabilities and income and expense of any one or more subsidiaries of a holding co-operative are included in the financial statement of the holding co-operative, true copies of the latest financial statement of the subsidiary or subsidiaries shall be kept on hand by the holding co-operative at its head office and shall be open to examination by the members of the holding co-operative on request during the normal business hours of the holding co-operative.

Copies of
subsidiary
statement

136. Notwithstanding sections 129 to 135, it is not necessary to state in a financial statement any matter that in all the circumstances is of relative insignificance.

Insignificant
circum-
stances

137. In a financial statement, the term “reserve” shall be used to describe only,

Reserve

- (a) amounts appropriated from earned surplus at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred;
- (b) amounts appropriated from earned surplus pursuant to the articles or by-laws of the co-operative for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred; and
- (c) amounts appropriated from earned surplus in accordance with the terms of a contract and that can be restored to the earned surplus when the conditions of the contract are fulfilled.

138.—(1) The directors of a co-operative may elect annually from among their number a committee to be known as the audit committee to be composed of not fewer than three

Audit
committee

directors, of whom a majority shall not be officers or employees of the co-operative to hold office until the next annual meeting of the members.

Chairman (2) The members of the audit committee shall elect a chairman from among their number.

Review (3) The co-operative shall submit the financial statement to the audit committee for its review and the financial statement shall thereafter be submitted to the board of directors.

Hearing of auditor (4) The auditor has the right to appear before and be heard at any meeting of the audit committee and shall appear before the audit committee when required to do so by the committee.

Idem (5) Upon the request of the auditor, the chairman of the audit committee shall convene a meeting of the committee to consider any matters the auditor believes should be brought to the attention of the directors or members.

Right of auditor to be heard (6) The auditor of a co-operative shall be entitled to attend and be heard at meetings of the board of directors of the co-operative on matters relating to his duties as auditor.

Approval by directors **139.**—(1) The financial statement shall be approved by the board of directors and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign and the auditor's report, unless the co-operative is exempt under section 123, shall be attached to or accompany the financial statement.

Rights of auditor where no audit committee (2) The auditor of a co-operative that has not elected an audit committee for the year to which the financial statement relates, is entitled,

(a) to receive notice of and to attend the meeting of directors called to approve the financial statement under subsection 1; and

(b) to request a meeting of the board of directors of the co-operative to consider any matters the auditor believes should be brought to their attention, and upon his request, the president of the co-operative shall convene such a meeting.

Mailing of financial statement to members **140.** —(1) A co-operative shall, ten days or more before the date of the annual meeting of members, send by prepaid mail to each member at his latest address as shown

on the records of the co-operative a copy of the financial statement and, subject to section 123, a copy of the auditor's report.

(2) The directors of such co-operative shall send by prepaid ^{Idem} mail to each such member a copy of any financial statement and auditor's report amended under subsections 4 and 5 of section 127.

141.—(1) A co-operative shall file with the Minister its financial statements and, subject to section 123, a copy of its auditor's report that are required to be mailed by the co-operative to its members. ^{Financial statements to be filed with Minister}

(2) The financial statements and auditor's report where ^{Idem} required, shall be sent to the Minister on the same date such statements are mailed or required to be mailed by the co-operative to its members, whichever is the earlier.

MAINTENANCE OF CO-OPERATIVE STATUS

142.—(1) Upon the request of the Minister, every co-operative shall furnish to the Minister such information as ^{Information to be furnished to Minister} he may require to enable him,

- (a) to compile statistical records and information in such form as the Minister may require;
- (b) to facilitate the carrying on of research projects;
- (c) to establish that all persons to whom this Act applies are not in contravention of this Act; and
- (d) to establish that the business and affairs of the co-operative are being conducted on a co-operative basis.

(2) The Minister or any employee in the Ministry shall not disclose any information contained in a return made under subsection 1, except where that disclosure is necessary for the administration or enforcement of this Act or where the disclosure is required by a court for the purposes of an action, prosecution or other proceeding. ^{Information not to be disclosed}

143. Where the Minister is of the opinion that the business and affairs of the co-operative are not being conducted on a co-operative basis, he may, after giving the co-operative an opportunity to be heard, issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of *The Business Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation with share capital. ^{Affairs not conducted on co-operative basis}

Limit to
non-member
business

144.—(1) Where the Minister is of the opinion that a co-operative has for a period of three years or longer conducted 50 per cent or more of its business with non-members of that co-operative, he may after giving the co-operative an opportunity to be heard, order that a certificate of amendment be issued changing the co-operative into a corporation that is subject to the provisions of *The Business Corporations Act* and, where necessary for the purpose, changing the co-operative into a corporation with share capital.

R.S.O. 1970,
c. 53

Idem

(2) For the purposes of subsection 1, the amount of business conducted by a co-operative with a non-member means the value of goods or products acquired, marketed, handled, dealt in or sold or services rendered by the co-operative, on behalf of or for the non-members expressed as a percentage of the total value of goods or products acquired, marketed, handled, dealt in or sold or services rendered by the co-operative from, on behalf of, or for all customers during the year.

Idem

(3) For the purposes of computing the amount of business under subsection 2, there shall not be included in the amount of business conducted with non-members, the value of goods or products acquired, marketed, handled, dealt in or sold or services rendered by the co-operative from, on behalf of or for non-members who are required to conduct business with the co-operative by a marketing plan established under an Act of the Legislature or of the Parliament of Canada.

Members
not to
number
fewer
than five

145.—(1) If a co-operative exercises its corporate powers when its members are fewer in number than five for a period of more than six months after the number has been so reduced, each person who was a member of the co-operative during the time that it so exercised its corporate powers after such period of six months and is aware of the fact that it so exercised its corporate powers is severally liable for the payment of the whole of the debts of the co-operative contracted during such time and may be sued for the debts without the joinder in the action of the co-operative or of any other member.

Saving

(2) A member who has become aware that the co-operative is so exercising its corporate powers may serve a protest in writing on the co-operative and may by registered letter notify the Minister of such protest having been served and of the facts upon which it is based, and such member may thereby and not otherwise, from the date of his protest and notification, exonerate himself from liability.

Notice and
penalty

(3) If after notice from the Minister the co-operative refuses or neglects to bring the number of its members up to five or more, such refusal or neglect may be regarded by the

Minister as sufficient cause for the cancellation of the certificate of incorporation or any certificate issued by him under this Act.

INVESTIGATIONS

146.—(1) Upon application by a member of a co-operative, the court, if satisfied that the application is made in good faith and that it is *prima facie* in the interests of the co-operative or the holders of its securities to do so, may make an order, upon such terms as to the costs of the investigation or audit or otherwise as to the court seems fit, appointing an inspector to investigate the affairs and management of the co-operative or any subsidiary of the co-operative, or both, and to audit the accounts and records of the co-operative or any affiliate thereof named in the order. Investigations and audits

(2) An order may be made under subsection 1 whether or not there has been disclosure to the members of the co-operative of information relating to any matter on the basis of which the order is made. Idem

(3) Every director, officer, agent, employee, banker and auditor of the co-operative or of any subsidiary of the co-operative named in the order and every other person shall produce for the examination of the inspector all accounts and records of or relating to the co-operative or subsidiary in their custody or control. Production of accounts and records

(4) The inspector may examine upon oath any present or former director, officer, agent or employee of the co-operative or subsidiary in relation to its affairs, management, accounts and records. Examination may be under oath

(5) The court may, on the application of the inspector, on such terms and conditions as it sees fit, order any person not mentioned in subsection 4 to attend and be examined under oath before the inspector on any matter relevant to the investigation or audit. Court order for examination

(6) Every director, officer, agent, employee, banker or auditor who refuses to produce any account or record referred to in subsection 3 and every person examined under subsection 4 or 5 who refuses to answer any question related to the affairs and management of the co-operative or any subsidiary is guilty of an offence under section 176, in addition to any other liability to which he is subject. Offences

(7) The inspector shall make a report to the court and shall forward a copy of the report to the co-operative and any Inspector's report

subsidiary of the co-operative named in the order and to the person who made the application under subsection 1.

Co-operative
may appoint
inspector
for same
purpose

147.—(1) A co-operative may, by resolution passed at an annual meeting of members or a general meeting of members called for that purpose, appoint an inspector to investigate its affairs and management.

Powers and
duties of
inspector

(2) The inspector appointed under subsection 1 has the same powers and shall perform the same duties as an inspector appointed under section 146 and he shall make his report in such manner and to such persons as the co-operative by resolution of the members directs.

Where
Minister
to appoint
inspector

148.—(1) Notwithstanding anything contained in section 146 or 147, the Minister shall appoint in writing an inspector to investigate and report on the affairs and management of a co-operative or its subsidiaries if 10 per cent of the members of the co-operative request in writing such investigation and show circumstances suggesting that,

- (a) the business of the co-operative or any of its subsidiaries is or has been carried on with intent to defraud any person;
- (b) the business or affairs of the co-operative or any of its subsidiaries are or have been carried on or conducted, or the powers of the directors are or have been exercised, in a manner oppressive or unfairly prejudicial to or in disregard of the interests of a security holder;
- (c) the co-operative or any of its subsidiaries was formed for a fraudulent or unlawful purpose or is to be dissolved for a fraudulent or unlawful purpose; or
- (d) persons concerned with the formation, business or affairs of the co-operative or any of its subsidiaries have in connection therewith acted fraudulently or dishonestly.

Idem

(2) The Minister may on his own initiative appoint in writing an inspector to investigate and report on the affairs and management of a co-operative or its subsidiaries if it appears that there exist any of the circumstances mentioned in clause *a*, *b*, *c* or *d* of subsection 1.

Production
of accounts
and records

(3) Every person shall produce for the examination of the inspector all accounts and records in their custody or control which relate to the co-operative or any of its subsidiaries.

(4) The inspector may examine upon oath any present or former director, officer, agent or employee of the co-operative or any of its subsidiaries in relation to its affairs, management, accounts and records. Examination may be under oath

(5) Upon an application to the court by the inspector, the court may, on such terms and conditions as it sees fit, order any person not mentioned in subsection 4 to attend and be examined under oath before the inspector on any matter relevant to the investigation. Court order for examination

(6) Every director, officer, agent, employee, banker or auditor who refuses to produce any account or record referred to in subsection 3 and every person examined under subsection 4 or 5 who refuses to answer any question related to the affairs and management of the co-operative or any of its subsidiaries is guilty of an offence under section 176 in addition to any other liability to which he is subject. Offences

(7) The inspector shall deliver the report of his investigation to the Minister and the Minister may forward a copy of the report to the co-operative and any subsidiary of the co-operative investigated. Report to be made to Minister

149. Where it appears from the report of an inspector made under section 146, 147 or 148 that any of the circumstances set out in clause *a*, *b*, *c* or *d* of subsection 1 of section 148 exist, the Minister may, notwithstanding any other remedies available, Remedies

- (a) apply under clause *d* of section 217 of *The Business Corporations Act* to wind up the co-operative by order of the court; R.S.O. 1970, c. 53
- (b) cancel the certificate of incorporation for cause under section 166;
- (c) require, or apply to the court for an order under section 78 requiring, the directors of the co-operative to call a general meeting of members; or
- (d) refer the report of the inspector to the Attorney General.

150. A copy of the report of an inspector appointed under this Act authenticated by the registrar of the court or in the case of an investigation under section 147 or 148 by the inspector is admissible in any legal proceeding and is evidence of the opinion of the inspector in relation to any matter contained in the report. Report admissible in proceedings

REORGANIZATION

Amendment of Articles

Amendments **151.**—(1) A co-operative may, from time to time, amend its articles of incorporation to,

- (a) change its name;
- (b) extend, limit or otherwise vary its objects;
- (c) increase its authorized capital;
- (d) decrease its authorized capital by cancelling shares whether issued or unissued or by reducing the par value of issued or unissued shares;
- (e) increase or decrease the membership fee;
- (f) increase or decrease the minimum amount of member loans;
- (g) redivide its authorized capital into shares of lesser or greater par value;
- (h) redesignate any class of shares;
- (i) reclassify any shares into shares of a different class;
- (j) delete or vary any provision in its articles;
- (k) provide for any other matter or thing that is authorized by this Act to be set out in the articles or that could be the subject of a by-law of the co-operative;
- (l) convert it into a co-operative with or without share capital;
- (m) convert it into a corporation to which *The Business Corporations Act* applies.

R.S.O. 1970,
c. 53

Authoriza-
tion

(2) An amendment under subsection 1, except clauses *l* and *m*, shall be authorized by a special resolution.

Idem

(3) Subject to section 152, an amendment under clause *l* or *m* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed by at least three-quarters of the votes cast at a general meeting of the members of the co-operative duly called for that purpose.

(4) If the amendment is to delete or vary a preference, right, condition, restriction, limitation or prohibition attaching to a class of preference shares or to create preference shares, ranking in any respect in priority to or on a parity with an existing class of preference shares, then, in addition to the confirmation required by subsection 2, the resolution is not effective until it has been confirmed,

Additional
authorization
for
variation of
rights of
preference
shares

- (a) by 100 per cent of the holders of the shares of such class or classes of shares in writing; or
- (b) in writing by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of such class or classes and after twenty-one days notice of the resolution and confirmation has been given by sending the notice to each of the holders of shares of such class or classes to his latest address as shown on the records of the co-operative and only if at the expiration of twenty-one days none of the holders of such class or classes has dissented in writing to the co-operative; or
- (c) if the articles so provide, by at least two-thirds of the votes cast at a meeting of the holders of such class or classes of shares duly called for that purpose or such greater proportion of the votes cast as the articles provide,

and by such additional authorization as the articles provide.

152.—(1) Notwithstanding subsection 3 of section 151, where a co-operative is no longer able to conduct its business and affairs on a co-operative basis by reason of the provisions of an Act of the Legislature or of the Parliament of Canada, the co-operative may apply to the Minister for a certificate of amendment converting the co-operative to a corporation to which *The Business Corporations Act* applies and, where necessary for the purpose, changing the co-operative into a corporation with share capital.

Conversion
of co-
operative to
corporation

R.S.O. 1970,
c. 53

(2) An application under subsection 1 shall be authorized by special resolution.

Authoriza-
tion

153.—(1) For the purpose of bringing an amendment to the articles into effect, the co-operative shall deliver to the Minister, within six months after the resolution has become effective, articles of amendment in duplicate, executed under the seal of the co-operative and signed by two officers, or by

Articles of
amendment

one director and one officer, of the co-operative and verified by affidavit of one of the officers or directors signing the articles of amendment, setting out,

- (a) the name of the co-operative;
- (b) a certified copy of the resolution;
- (c) that the amendment has been duly authorized as required by subsections 2, 3 and 4 of section 151; and
- (d) the date of the confirmation of the resolution by the members.

Change
of name

(2) Where the articles of amendment are to change the name of the co-operative, the articles of amendment shall be accompanied by evidence that establishes to the satisfaction of the Minister that the co-operative is not insolvent.

Decrease
of capital

(3) Where the articles of amendment are to decrease the authorized capital, the articles of amendment shall be accompanied by evidence that establishes to the satisfaction of the Minister that the co-operative is not insolvent and that the decrease will not render the co-operative insolvent, and, if required by the Minister, by evidence that establishes to his satisfaction that no creditors object to the amendment.

Pro forma
balance
sheet

(4) Where the articles of amendment are to make any change in the authorized capital, the articles of amendment shall, if required by the Minister, be accompanied by a *pro forma* balance sheet after giving effect to the proposed change.

Certificate of
amendment

154.—(1) If the articles of amendment conform to law, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the articles of amendment the word “Filed” and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the co-operative or its agent a certificate of amendment to which he shall affix the other duplicate.

Effect of
certificate

(2) The amendment becomes effective upon the date set forth in the certificate of amendment and the articles of incorporation are amended accordingly.

Restatement of Articles

155.—(1) A co-operative may at any time restate its Restatement of articles articles of incorporation as theretofore amended.

(2) For the purposes of bringing the restated articles into Filing of restatement effect, the co-operative shall deliver to the Minister the restated articles in duplicate, executed under the seal of the co-operative and signed by two officers, or by one director and one officer, of the co-operative and verified by affidavit of one of the officers or directors signing the restated articles, setting out,

(a) all the provisions that are then set out in the original articles of incorporation as theretofore amended; and

(b) a statement that the restated articles correctly set out without change the corresponding provisions of the original articles as theretofore amended.

(3) If the restated articles of incorporation conform to law, Certificate of restatement the Minister shall, when all prescribed fees have been paid,

(a) endorse on each duplicate of the restated articles the word "Filed" and the day, month and year of the filing thereof;

(b) file one of the duplicates in his office; and

(c) issue to the co-operative or its agent a restated certificate of incorporation to which he shall affix the other duplicate.

(4) The restated articles of incorporation become effective Effect of certificate upon the date set forth in the restated certificate and supersede the original articles of incorporation and all amendments thereto.

(5) Where a certificate of restatement is issued to a co-operative incorporated by special Act, the co-operative is continued as if it had been incorporated under this Act and the special Act ceases to apply Where special Act ceases to apply.

Amalgamations and Continuations

156.—(1) Any two or more co-operatives may amalgamate Amalgamation and continue as one co-operative.

(2) The co-operatives proposing to amalgamate shall enter Agreement into an agreement for the amalgamation, prescribing the terms and conditions of the amalgamation and the mode of carrying the amalgamation into effect, and, in particular the agreement shall set out, as may be applicable,

(a) the name of the amalgamated co-operative;

- (b) the objects of the amalgamated co-operative;
- (c) the place in Ontario where the head office of the amalgamated co-operative is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district, and giving the street and number, if any;
- (d) the authorized capital of the amalgamated co-operative, the classes of shares, if any, into which it is to be divided, the number of shares of each class, and the par value of each share;
- (e) where there are to be preference shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions applying to them or each class of them;
- (f) the restrictions, if any, to be placed on the transfer of member loans or of its shares or any class thereof of the amalgamated co-operative;
- (g) the authorized loan capital of the amalgamated co-operative;
- (h) the amount of membership fee and the classes of membership, if any, setting forth the designation of and the terms and conditions attaching to each class of membership in the amalgamated co-operative;
- (i) the names in full and the residence address, giving the street and number, if any, of each person who is to be a first director of the amalgamated co-operative;
- (j) the time and manner of election of the subsequent directors of the amalgamated co-operative;
- (k) whether or not the by-laws of the amalgamated co-operative are to be those of one of the amalgamating co-operatives and, if not, a copy of the proposed by-laws of the amalgamated co-operative;
- (l) the manner in which the issued shares of each of the amalgamating co-operatives are to be converted into issued shares of the amalgamated co-operative;
- (m) the manner of conversion of the loan and share capital, as the case may be, of the amalgamating

co-operatives into the loan and share capital, as the case may be, of the amalgamated co-operative;

- (n) such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and operation of the amalgamated co-operative.

(3) Where shares of one of the amalgamating co-operatives are held by or on behalf of another of the amalgamating co-operatives, the amalgamation agreement shall provide for the cancellation of such shares upon the amalgamation becoming effective without any repayment of capital in respect thereof, and no provision shall be made in the agreement for the conversion of such shares into shares of the amalgamated co-operative. Shares of amalgamating co-operative held by another

(4) The member or patronage loans, if any, of the amalgamating co-operatives shall represent liabilities of the amalgamated co-operative. Treatment of patronage loans

(5) An amalgamation agreement is not effective until approved by a special resolution of each of the amalgamating co-operatives. Approval of agreement

(6) Where the carrying out of the amalgamation agreement would result in the deletion or variation of a preference, right, condition, restriction, limitation or prohibition attaching to a class of issued preference shares of any of the amalgamating co-operatives or in the creation of preference shares of the amalgamated co-operative ranking in any respect in priority to, or on a parity with, any existing class of preference shares of any of the amalgamating co-operatives, the agreement is not effective until it is approved in the manner provided by subsection 4 of section 151 in addition to the approval required by subsection 5. Approval by preference shareholders

157.—(1) For the purpose of bringing an amalgamation into effect, the amalgamating co-operatives shall, within six months after the amalgamation agreement has become effective, deliver to the Minister articles of amalgamation in duplicate executed under the seal of each of the amalgamating co-operatives and signed by two officers, or by one director and one officer, of each of the amalgamating co-operatives and verified by affidavit of one of the officers or directors signing the articles of amalgamation for each amalgamating co-operative, setting out, Filing of articles of amalgamation

- (a) the names of each of the amalgamating co-operatives;

- (b) a certified copy of the amalgamation agreement;
- (c) that the agreement has been duly approved as required by section 156; and
- (d) the dates on which the amalgamation agreement was approved by the members of each of the amalgamating co-operatives.

Evidence of
solvency

(2) The articles of amalgamation shall be accompanied by evidence that establishes to the satisfaction of the Minister that each of the amalgamating co-operatives is not insolvent and, if required by the Minister, a *pro forma* balance sheet after giving effect to the proposed amalgamation.

Issuance of
certificate of
amalgama-
tion

(3) If the articles of amalgamation conform to law, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the amalgamated co-operative or its agent a certificate of amalgamation to which he shall affix the other duplicate.

Effect of
certificate

(4) Upon the date set forth in the certificate of amalgamation,

- (a) the amalgamation becomes effective and the amalgamating co-operatives are amalgamated and continue as one co-operative under the terms and conditions prescribed in the amalgamation agreement;
- (b) the amalgamated co-operative possesses all the property, rights, privileges and franchises and is subject to all liabilities, contracts, disabilities and debts of each of the amalgamating co-operatives;
- (c) the issued capital of the amalgamated co-operative is, subject to the decrease provided for in subsection 3 of section 156, equal to the aggregate of the issued capital of each of the amalgamating co-operatives immediately before the amalgamation becomes effective; and
- (d) the articles of incorporation of each of the amalgamating co-operatives are amended to the extent

necessary to give effect to the terms and conditions of the amalgamation agreement.

158.—(1) A corporation incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, apply to the Minister for a certificate continuing it as if it had been incorporated under this Act, and the Minister may issue the certificate of continuation on application supported by such material as appears satisfactory, and the certificate may be issued on such terms and subject to such limitations and conditions and contain such provisions as appear to the Minister to be fit and proper. Certificate of continuation

(2) Upon the date set forth in a certificate of continuation issued under subsection 1, this Act applies to the corporation to the same extent as if it had been incorporated under this Act. Effect of certificate

159.—(1) A co-operative may, if authorized by a special resolution, by the Minister and by the laws of any other jurisdiction, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the co-operative as if it had been incorporated under the laws of that other jurisdiction. Transfer of Ontario co-operative

(2) This Act ceases to apply to the co-operative on and after the date on which the co-operative is continued under the laws of the other jurisdiction and the co-operative shall file with the Minister a copy of the instrument of continuation certified by the proper officer of the other jurisdiction authorized to certify such documents. Notice

(3) This section applies only in respect of a jurisdiction that has legislation in force that permits corporations incorporated under its laws to apply for an instrument of continuation under the laws of Ontario. Application

160. All rights of creditors against the property, rights and assets of a co-operative amalgamated under section 156 or continued under section 158 and all liens upon its property, rights and assets are unimpaired by such amalgamation or continuation, and all debts, contracts, liabilities and duties of the co-operative thenceforth attach to the amalgamated or continued co-operative and may be enforced against it. Rights of creditors preserved

DISSOLUTION

161. Sections 201 to 246, except clause *a* of subsection 1 of section 231, of *The Business Corporations Act* apply, *mutatis mutandis*, to co-operatives, and for the purpose a reference Winding up
R.S.O. 1970,
c. 53

therein to a corporation shall be deemed to be a reference to a co-operative and a reference therein to a shareholder shall be deemed to be a reference to a member.

Distribution
of property

162.—(1) On any distribution of the property of a co-operative, member loans and patronage returns that are lent to the co-operative rank after the ordinary debts.

Distribution
of property
upon
dissolution

(2) The articles of a co-operative may provide that, upon the dissolution of the co-operative and after the payment of all debts and liabilities, including any declared and unpaid dividends and the amount paid up on outstanding shares, if any, the remaining property of the co-operative or any part thereof may be distributed or disposed of,

- (a) equally among the members irrespective of the number of shares or amount of loans, if any, held or made by a member ;
- (b) among the members at the time of dissolution on the basis of patronage returns accrued to such members during the five fiscal years immediately preceding the dissolution or after the date of incorporation ; or
- (c) to charitable organizations.

Idem

(3) In the absence of any provisions in the articles or by-laws, upon the dissolution of the co-operative, the whole of its remaining property shall be distributed equally among the members irrespective of the number of shares or amount of loans, if any, held or made by a member.

Voluntary
dissolution

163. A co-operative may be dissolved upon the authorization of,

- (a) a majority of the votes cast at a general meeting of the members of the co-operative duly called for the purpose or by such other proportion of the votes cast as the articles provide, but such other proportion shall not be less than 50 per cent of all the members entitled to vote at the meeting ;
- (b) the consent in writing of all the members entitled to vote at such meeting ; or
- (c) all its incorporators or their personal representatives at any time within two years after the date set forth in its certificate of incorporation where the co-operative has not commenced business and has not issued any shares or received any membership fees or loans.

Articles of
dissolution
where
co-operative
active

164.—(1) For the purpose of bringing the dissolution authorized under clause *a* or *b* of section 163 into effect, the co-operative shall deliver to the Minister within one year

after the authorization articles of dissolution in duplicate, executed under the seal of the co-operative and signed by two officers or by one director and one officer of the co-operative and verified by affidavit of one of the officers or directors signing the articles of dissolution, setting out,

- (a) the name of the co-operative;
- (b) that its dissolution has been duly authorized under clause *a* or *b* of section 163;
- (c) that it has no debts, obligations or liabilities or its debts, obligations or liabilities have been duly provided for in accordance with subsection 3 or its creditors or other persons having interests in its debts, obligations or liabilities consent to its dissolution;
- (d) that after satisfying the interests of creditors in all its debts, obligations and liabilities, if any, it has no property to distribute among its members or that it has distributed its remaining property in accordance with section 162 or in accordance with subsection 4 where applicable;
- (e) that there are no proceedings pending in any court against it; and
- (f) that it has given notice of its intention to dissolve by publication once in *The Ontario Gazette* and once in a newspaper having general circulation in the place where it has its principal place of business in Ontario or, if it does not have a place of business in Ontario, where it has its head office.

(2) For the purpose of bringing a dissolution authorized under clause *c* of section 163 into effect, the co-operative shall deliver to the Minister articles of dissolution in duplicate, signed by all its incorporators or their personal representatives and verified by affidavit of one of them setting out,

Articles of
dissolution
where co-
operative
never active

- (a) the name of the co-operative;
- (b) the date set forth in its certificate of incorporation;
- (c) that the co-operative has not commenced business;
- (d) that none of its shares has been issued;
- (e) that no membership fees or loans have been received;

- (f) that dissolution has been duly authorized under clause *c* of section 163;
- (g) that it has no debts, obligations or liabilities;
- (h) that after satisfying the interests of creditors in all its debts, obligations and liabilities, if any, it has no property to distribute or that it has distributed its remaining property to the persons entitled thereto;
- (i) that there are no proceedings pending in any court against it; and
- (j) that it has given notice of its intention to dissolve by publication once in *The Ontario Gazette* and once in a newspaper having general circulation in the place where it has its head office.

Where
creditor
unknown

(3) Where a co-operative authorizes its dissolution and a creditor is unknown or his whereabouts is unknown, the co-operative may, by agreement with the Public Trustee, pay to the Public Trustee an amount equal to the amount of the debt due to the creditor to be held in trust for the creditor, and such payment shall be deemed to be due provision for the debt for the purposes of clause *c* of subsection 1.

Where
member or
shareholder
unknown

(4) Where a co-operative authorizes its dissolution and a member is unknown or his whereabouts is unknown, it may, by agreement with the Public Trustee, deliver or convey his share of the property to the Public Trustee to be held in trust for him, and such delivery or conveyance shall be deemed to be a distribution to that member for the purposes of the dissolution.

Power to
consent

(5) If the property delivered or conveyed to the Public Trustee under subsection 4 is in a form other than cash, the Public Trustee may at any time, and within ten years after such delivery or conveyance shall, convert it into cash.

Payment
to person
entitled

(6) If the amount paid under subsection 3 or the property delivered or conveyed under subsection 4 or its equivalent in cash, as the case may be, is claimed by the person beneficially entitled thereto within ten years after it was so delivered, conveyed or paid, it shall be delivered, conveyed or paid to him, but, if not so claimed, it vests in the Public Trustee for the use of Ontario, and, if the person beneficially entitled thereto at any time thereafter establishes his right thereto to the satisfaction of the Lieutenant Governor in Council, an amount equal to the amount so vested in the Public Trustee shall be paid to him.

165.—(1) If the articles of dissolution conform to law, the Minister shall, when all prescribed fees have been paid and all taxes payable by the co-operative to the Treasurer of Ontario have been paid, Certificate of dissolution

- (a) endorse on each duplicate of the articles of dissolution the word “Filed” and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the co-operative or its agent a certificate of dissolution to which he shall affix the other duplicate.

(2) The dissolution becomes effective and the co-operative is dissolved upon the date set forth in the certificate of dissolution. Effect of certificate

166. Where sufficient cause is shown to the Minister, he may, after he has given the co-operative an opportunity to be heard, by order, upon such terms and conditions as he thinks fit, cancel a certificate of incorporation or any certificate issued by him under this Act, and, Cancellation of certificate, etc., by Minister

- (a) in the case of the cancellation of a certificate of incorporation, the co-operative is dissolved on the date fixed in the order;
- (b) in the case of the cancellation of any other certificate, the matter that became effective upon the issuance of the certificate ceases to be in effect from the date fixed in the order.

167.—(1) Where a co-operative is in default in filing an annual return or financial statement for a period of two years, the Minister may give notice, by registered mail to the co-operative or by publication once in *The Ontario Gazette*, that an order dissolving the co-operative will be issued unless the co-operative files the annual return or financial statement within one year after the giving of the notice. Notice of dissolution

(2) Upon default in compliance with the notice given under subsection 1, the Minister may by order cancel the certificate of incorporation and, subject to subsection 3, the co-operative is dissolved on the date fixed in the order. Dissolution for default

(3) Where a co-operative is dissolved under subsection 2, the Minister, on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in his discretion by order, on such Revival

terms and conditions as he sees fit to impose, revive the co-operative, and thereupon the co-operative, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights, privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Suits after
dissolution

168.—(1) Notwithstanding the dissolution of a co-operative under section 165, 166 or 167,

- (a) any action, suit or other proceeding commenced by or against the co-operative before its dissolution may be proceeded with as if the co-operative had not been dissolved;
- (b) any action, suit or other proceeding may be brought against the co-operative within two years after its dissolution as if the co-operative had not been dissolved; and
- (c) any property that would have been available to satisfy any judgment, order or other decision if the co-operative had not been dissolved remains available for such purpose.

Service after
dissolution

(2) For the purposes of this section, the service of any process on a co-operative after its dissolution shall be deemed to be sufficiently made if it is made upon any person last shown on the records of the Ministry as being a director or officer of the co-operative before the dissolution.

Liability of
members to
creditors

169.—(1) Notwithstanding the dissolution of a co-operative, each of the members among whom its property has been distributed remains liable to its creditors to the extent of the amount received by him upon the distribution, and an action in a court of competent jurisdiction to enforce such liability may be brought against him within two years from the date of the dissolution and not thereafter.

Action
against one
member as
representing
class

(2) Where there are numerous members, the court referred to in subsection 1 may permit an action to be brought against one or more members as representatives of the class and, if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the referee's office all such members as are found, and the referee shall determine the amount that each should contribute towards the plaintiff's claim and may direct payment of the sums so determined.

170. Subject to section 168, any real or personal property of a co-operative that has not been disposed of at the date of its dissolution is forfeit to the Crown. ^{Forfeiture of undischarged property}

171. At the same time as a co-operative is required to file its financial statements with the Minister under subsection 2 of section 141, the co-operative shall also file an annual return in such form as the regulations prescribe. ^{Annual return}

GENERAL

172.—(1) Subject to the articles or by-laws of a co-operative, ^{Notice to directors and members}

(a) a notice or other document required to be given or sent by a co-operative to a member or director may be delivered personally or sent by prepaid mail addressed to the member or director at his latest address as shown on the records of the co-operative; and

(b) a notice or other document sent by mail by a co-operative to a member or director shall be deemed to be given or sent at the time when it would be delivered in the ordinary course of mail.

(2) Where notices or other documents required by this Act, the articles or by-laws to be given or sent by a co-operative to a member have been mailed to the member at his latest address as shown on the records of the co-operative and where, on three consecutive occasions, notices or other documents have been returned by the Post Office to the co-operative, the co-operative is not required to mail to the member any further notices or other documents until such time as the co-operative receives written notice from the member requesting that notices and other documents be sent to the member at a specified address. ^{Undelivered mail}

(3) Except where otherwise provided in this Act, a notice or document required to be given or sent to a co-operative may be sent to the co-operative by prepaid mail at its head office as shown on the records of the Ministry and shall be deemed to be given or sent at the time when it would be delivered in the ordinary course of mail. ^{Notice to co-operative}

(4) Where a notice is required by this Act to be given to any person, the giving of the notice may be waived or the time for the notice may be waived or abridged with the consent in writing of such person, whether before or after the time prescribed. ^{Waiver of notice and abridgement of time}

Offence,
false
statement

173.—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in the light of the circumstances under which it was made, is false or misleading in respect of any material fact or that omits to state any material fact the omission of which makes the statement false or misleading is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Defence

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Offence,
failure
to file

174.—(1) Every person who fails to file with the Minister any document required by this Act to be filed with him is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

Idem

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer thereof who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Consent

175. No proceeding under section 173 or 174 shall be commenced except with the consent or under the direction of the Minister.

Offence,
general

176.—(1) Except where otherwise provided, every person who commits an act contrary to or fails or neglects to comply with any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or, if such person is a corporation, to a fine of not more than \$10,000.

Idem

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer thereof who authorized, permitted or acquiesced in the offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Limitation

177.—(1) No proceeding under section 173 or 174 or under section 176 for a contravention of section 118 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him.

(2) Subject to subsection 1, no proceeding for an offence ^{Idem} under this Act or the regulations shall be commenced more than one year after the time when the subject-matter of the offence arose.

178. Where a co-operative or a director, officer or employee ^{Order for compliance} of a co-operative does not comply with any provision of this Act or the articles or the by-laws of the co-operative, the Minister or a member or a creditor of the co-operative, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, may apply to the court for an order directing the co-operative, director, officer or employee, as the case may be, to comply with such provision, and upon such an application the court may make such order or such other order as the court thinks fit.

179.—(1) The Minister may require any fact relevant to ^{Proof by affidavit} the performance of his duties under this Act or the regulations to be verified by affidavit or otherwise.

(2) For the purpose of holding a hearing under this Act, ^{Oaths at hearings} the Minister may administer oaths to witnesses and require them to give evidence under oath.

180. The Minister shall cause notice to be published forth- ^{Publication of notices in The Ontario Gazette} with in *The Ontario Gazette*,

(a) of the issue of every certificate under section 6, 9, 154, 155, 157, 158 or 165;

(b) of the issue of every order under section 118, 166 or 167;

(c) of the filing of a certified copy of an order under subsection 6 of section 215 or subsection 2 of section 228 of *The Business Corporations Act*;

R.S.O. 1970,
c. 53

(d) of the filing of a notice by a liquidator under subsection 2 of section 215 of *The Business Corporations Act*.

181.—(1) Upon payment of the prescribed fee, any person ^{Searches} is entitled to examine any document filed with or issued by the Minister under this Act, and to make extracts therefrom.

(2) Upon payment of the prescribed fee, the Minister shall ^{Certifications by Minister} furnish any person with a certificate as to whether or not a document has been filed with or issued by him under this Act or any predecessor thereof or with a certified copy of any such document.

Execution of
certificates
of Minister

182.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Ministry as is designated by the regulations.

Certificates
as evidence

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate.

Notice of
refusal
to file

183.—(1) Where the Minister refuses to file any articles or any other document required by this Act to be filed by him before it becomes effective, he shall give written notice to the person who delivered the articles or other document of his refusal, specifying the reasons therefor.

Failure to
act deemed
refusal

(2) Where, within six months after the delivery to the Minister of articles or other document referred to in subsection 1, the Minister has not filed or refused to file such articles or other document, he shall be deemed for the purposes of section 184 to have refused to file it.

Appeal from
Minister

184.—(1) Any person who feels aggrieved by a decision of the Minister to,

- (a) refuse to file articles or any other document or to issue any certificate required by this Act to be filed or issued;
- (b) issue or refuse to issue a certificate of amendment under subsection 2, 3 or 4 of section 9;
- (c) issue a certificate of amendment under section 143, 144 or 152;
- (d) issue an order under section 166,

may appeal the decision to the Supreme Court.

Certificate
of Minister

(2) The Minister shall certify to the Registrar of the Supreme Court,

- (a) the decision of the Minister, together with a statement of the reasons therefor;
- (b) the record of any hearing; and

- (c) all written submissions to the Minister or other material that is relevant to the appeal.

(3) The Minister is entitled to be heard, by counsel or <sup>Representa-
tion</sup> otherwise, upon the argument of an appeal under this section.

(4) Where an appeal is taken under this section, the Supreme <sup>Order of
court</sup> Court may by its order direct the Minister to make such decision or to do such other act as the Minister is authorized and empowered to do under this Act and as the court thinks proper, having regard to the material and submissions before it and to this Act, and the Minister shall make such decision or do such act accordingly.

(5) Notwithstanding an order of the Supreme Court, the Minister has power to make any further decision upon new <sup>Minister
may make
further
decision</sup> material or where there is a material change in the circumstances, and every such decision is subject to this section.

185. An appeal lies to the Court of Appeal from any <sup>Appeal
from court</sup> order made by the court under this Act.

186. The Lieutenant Governor in Council may make ^{Regulations} regulations respecting any matter that he considers necessary relating to the incorporation, conduct and dissolution of co-operatives including, without limiting the generality of the foregoing, regulations,

- (a) respecting names, objects, authorized capital, the form and contents of offering statements, membership, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to shares or classes of shares or any other matter pertaining to articles or the filing thereof;
- (b) requiring the payment of fees for any matter that the Minister is required or authorized to do under this Act, and prescribing the amounts thereof;
- (c) prescribing any matter required by this Act to be prescribed by the regulations;
- (d) designating officers of the Ministry for the purposes of paragraph 4 of subsection 1 of section 1 and section 182.

187.—(1) For three years after this Act comes into force <sup>Continuance
of letters
patent, etc.</sup> any provision in the letters patent, supplementary letters patent or by-laws and any special resolution of the co-operative that was valid immediately before this Act comes

into force, except a provision that contravenes section 110, continues to be valid and in effect but any additions or amendments to or deletions from any provision in the letters patent, supplementary letters patent or by-laws of a co-operative shall be made in accordance with this Act.

Continuance
re shares
not fully
paid
R.S.O. 1970,
c. 89

(2) For three years after this Act comes into force the provisions of *The Corporations Act* relating to the liability of the holder of shares that are not fully paid and to the enforcement of such liability continue to apply in respect of shares that are not fully paid.

Commence-
ment

188. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

189. This Act may be cited as *The Co-operative Corporations Act, 1973*.

CHAPTER 102

**An Act to amend
The Personal Property Security Act**

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Personal Property Security Act*, <sup>s. 6 (2),
amended</sup> being chapter 344 of the Revised Statutes of Ontario, 1970, is amended by striking out "caution" in the third line and inserting in lieu thereof "financing statement".
2. Subsection 2 of section 7 of the said Act is amended by <sup>s. 7 (2),
amended</sup> striking out "the security agreement covering the collateral" in the fifth line and inserting in lieu thereof "a financing statement in the prescribed form".
3. Clause *b* of section 10 of the said Act is amended by striking <sup>s. 10 (b),
amended</sup> out "a description" in the fourth line and inserting in lieu thereof "identification".
- 4.—(1) Subsection 1 of section 20 of the said Act is repealed and <sup>s. 20 (1),
re-enacted</sup> the following substituted therefor:
 - (1) A debtor or a person having an interest in the collateral <sup>Statements
of account</sup> or an execution creditor may, by a notice in writing, require the secured party to furnish to him any one or more of,
 - (a) a statement in writing of the amount of the indebtedness and of the terms of payment thereof as of the date specified in the notice;
 - (b) a statement in writing approving or correcting as of the date specified in the notice a statement of the collateral attached to the notice;
 - (c) a statement in writing approving or correcting as of the date specified in the notice a statement of the amount of the indebtedness and of the terms of payment thereof; or

(d) a true copy of the security agreement.

s. 20 (3),
amended

(2) Subsection 3 of the said section 20 is amended by inserting at the commencement thereof "Subject to payment of any fee required pursuant to subsection 6".

s. 20,
amended

(3) The said section 20 is amended by adding thereto the following subsection:

Fee

(6) The secured party may require payment to him of a fee of \$2 for each statement or copy of the security agreement required pursuant to subsection 1, but the debtor is entitled to a statement without charge once in every six months.

s. 26 (1),
amended

5. Subsection 1 of section 26 of the said Act is amended by striking out "registered security agreement" in the fourth line and inserting in lieu thereof "security agreement signed by the debtor and the secured party".

s. 27 (2),
re-enacted

6. Subsection 2 of section 27 of the said Act is repealed and the following substituted therefor:

Idem

(2) The security interest in proceeds is a perfected security interest if the security interest in the collateral is perfected but it ceases to be a perfected security interest and becomes unperfected after ten days after receipt of the proceeds by the debtor unless,

(a) a financing statement in the prescribed form in respect of the collateral is registered; or

(b) the security interest in the proceeds is perfected before the expiration of the ten day period,

but there is no perfected security interest in proceeds that are not identifiable or traceable.

s. 34 (2) (b),
amended

7. Clause b of subsection 2 of section 34 of the said Act is amended by striking out "security agreement, a notice of intention or a caution" in the fifth line and inserting in lieu thereof "financing statement in the prescribed form".

s. 44 (1),
re-enacted

8. Subsection 1 of section 44 of the said Act is repealed and the following substituted therefor:

Certificate
of registrar

(1) Upon the request of any person and upon payment of the prescribed fee the registrar shall,

(a) issue a certificate stating whether there is registered at the time mentioned in the certificate a financing

statement or financing change statement the registration of which is still effective in which the person named in the certificate is shown as a debtor and, if there is, the registration number of it, and any other information recorded in the central office of the registration system; or

- (b) furnish a certified copy of a registered financing statement or a registered financing change statement.

9. Sections 46 to 54 of the said Act are repealed and the following substituted therefor: ss. 46-54, re-enacted

46. A financing statement or financing change statement to be registered under this Act may be tendered for registration, Place of registration and effective time of registration

- (a) by personal delivery to any branch office; or

- (b) by mail addressed to an address fixed by the regulations,

and the registration is effective from the time assigned to the registration by the registrar or branch registrar.

47.—(1) In order to register under this Act for the purpose of perfecting a security interest that is created in or provided for in a security agreement, a financing statement in the prescribed form shall be registered. Registration of financing statement

(2) Where the collateral is goods to be held for sale or lease, a financing statement in the prescribed form may be registered before a security agreement is signed for the purpose of perfecting a security interest in such goods. Before security agreement signed

(3) The financing statement referred to in subsection 1 shall not be registered before the execution of the security agreement or after thirty days from the date of the execution of the security agreement. Time for registration

(4) Subject to section 63, a financing statement that is not registered in accordance with the provisions of subsection 3 does not constitute notice or perfection under subsection 1 of section 53. Failure to register

(5) An error of a clerical nature or in an immaterial or non-essential part of a financing statement or financing change statement that has not misled does not invalidate the registration or destroy the effect of the registration. Errors

Assignments

48.—(1) Where a security interest is perfected by registration and the secured party has assigned his interest, a financing change statement in the prescribed form may be registered.

Idem

(2) Where a security interest has not been perfected by registration and the secured party has assigned his interest, a financing statement in the prescribed form may be registered in which the assignee is shown as the secured party.

Idem

(3) Upon the registration of the financing change statement under subsection 1 or the financing statement under subsection 2, the assignee becomes the secured party of record.

Transfer of collateral

49.—(1) Where a security interest has been perfected by registration and the debtor with the consent of the secured party transfers his interest in the collateral, the transferee becomes a debtor and the security interest becomes unperfected and the registration ceases to constitute notice unless the secured party registers a financing change statement in the prescribed form within fifteen days of the time he consents to the transfer.

Idem

(2) Where a security interest has been perfected by registration and the secured party learns that,

(a) the debtor has transferred his interest in the collateral;
or

(b) the debtor has changed his name,

the security interest becomes unperfected and the registration ceases to constitute notice fifteen days after the secured party learns of,

(c) the transfer and the name of the transferee; or

(d) the change of name and the new name of the transferee,

as the case may be, unless he registers a financing change statement in the prescribed form within such fifteen days.

Financing change statement

(3) A security interest that becomes unperfected under subsection 1 or 2 may thereafter be perfected by registering a financing change statement in the prescribed form at any time during the remainder of the unexpired registration period.

Amendments

50. Where a security interest is perfected by registration, and,

- (a) the security agreement to which it relates is amended;
- (b) the name or address of the secured party or debtor is changed; or
- (c) an error or omission of a clerical nature was made in the preparation of the financing statement or financing change statement that is registered in respect of the security interest,

a financing change statement in the prescribed form may be registered at any time during the period that the registration is effective.

51. Where a secured party of record has subordinated his<sup>Subordina-
tion</sup> interest to the interest of another person, a financing change statement in the prescribed form may be registered at any time during the period that the registration of the subordinated interest is effective.

52. Where a security interest has been perfected by^{Renewal} registration, the registration may be renewed,

- (a) before the expiration of the registration period, by the registration of a financing change statement in the prescribed form; or
- (b) notwithstanding subsection 3 of section 47, after the expiration of the registration period, by the registration of a financing statement in the prescribed form.

53.—(1) Where the collateral is other than instruments,<sup>Effect of
registration</sup> securities, letters of credit, advices of credit or negotiable documents of title, registration under this Act of,

- (a) a financing statement constitutes,
 - (i) notice of the security interest to which it relates to all persons claiming any interest in such collateral, and
 - (ii) subject to section 21, perfection of the security interest,

during the period of three years following such registration;

- (b) a financing change statement under clause *a* of section 52 extends the effect of the registration of

the financing statement to which it relates during the period of three years following the registration of the financing change statement;

- (c) a financing statement under clause *b* of section 52 extends the effect of the registration of the original financing statement during the period of three years following the registration of the financing statement under clause *b* of section 52, but when such registration has prejudiced the rights that any person acquired by an act or thing done by him during the period that the security interest was unperfected, the registration shall be presumed not to have occurred for the purpose of obtaining such rights;
- (d) a financing change statement under subsection 3 of section 49 extends the effect of the registration of the financing statement to which it relates for the remainder of the unexpired registration period, but when such registration has prejudiced the rights that any person acquired by an act or thing done by him during the period that the security interest was unperfected, the registration shall be presumed not to have occurred for the purpose of obtaining such rights;
- (e) any other financing change statement constitutes notice thereof to all persons claiming any interest in such collateral during the remainder of the period for which the registration of the financing statement is effective.

Three
year
period

(2) For the purposes of this section, the period of three years in respect of the registration of a financing statement or a financing change statement is a period of time commencing with the time assigned to the registration of the statement by the registrar or branch registrar and ending with the expiry of the third anniversary of the date of the registration.

Fixtures

54.—(1) Where the collateral is or includes fixtures or goods that may become fixtures, or crops, or oil, gas or other minerals to be extracted, or timber to be cut, a notice in the prescribed form may be registered in the proper land registry office.

Discharge
of notice

(2) A notice registered under subsection 1 may be discharged by a certificate in the prescribed form and the certificate may be registered in the proper land registry office.

(3) The registration of the notice under subsection 1 shall, ^{Effect of registration} for the purposes of subsection 3 of section 36, constitute actual notice of the security interest.

54a.—(1) Where a security interest is perfected by registration and the collateral or proceeds, as the case requires, is released or partially released, the registration may be discharged or partially discharged by the registration of a financing change statement in the prescribed form. ^{Discharge or partial discharge of registration}

(2) The financing change statement referred to in subsection 1 shall not be registered unless financing change statements in respect of all assignments by the secured party or transfers by the debtor are registered. ^{Idem}

(3) Where a financing statement is registered under this Act, and, ^{Demand}

- (a) all the obligations under the security agreement to which it relates have been performed; or
- (b) it is agreed to release part of the collateral covered by the security agreement to which it relates upon payment or performance of certain of the obligations under the security agreement, then upon payment or performance of such obligations,

any person having an interest in the collateral covered by the security agreement may deliver a written demand to the secured party, either personally or by registered mail, demanding a financing change statement referred to in subsection 1 and the secured party shall sign and deliver personally or by registered mail to the person demanding it at the place set out in the demand the financing change statement together with financing change statements in respect of all assignments by the secured party of the security interest or transfers by the debtor of his interest in the collateral in respect of which financing change statements have not been registered.

(4) Where the secured party, without reasonable excuse, ^{Failure to deliver} fails to deliver the financing change statements required under subsection 3 within ten days after receipt of a demand therefor, he shall pay \$100 to the person making the demand and any damages resulting from the failure, which sum and damages are recoverable in any court of competent jurisdiction.

(5) Upon application to the county or district court by ^{Security or payment into court} originating notice to all persons concerned or to such persons as the judge may determine, the judge may,

- (a) allow security for or payment into court of the amount claimed by the secured party and such costs as he may fix, and thereupon order the secured party to discharge or partially discharge, as the case may be, the registration of the financing statement; or
- (b) order upon any ground he considers proper that the registrar amend the recorded information to indicate that the registration of the financing statement has been discharged or partially discharged, as the case may be.

s. 58 (5),
re-enacted

- 10.** Subsection 5 of section 58 of the said Act is repealed and the following substituted therefor:

Notice to
be given
by secured
party

(5) Unless the collateral is perishable or unless the secured party believes on reasonable grounds that the collateral will decline speedily in value, the secured party shall give to the debtor and to any other person who has a security interest in the collateral that is perfected by registration against the name of the debtor and to any other person who is known by the secured party to have a security interest in the collateral not less than fifteen days notice in writing containing,

- (a) a brief description of the collateral;
- (b) the amount required to satisfy the obligation secured by his security interest;
- (c) the amount of the applicable expenses referred to in clause *a* of subsection 1 or, in a case where the amount of such expenses has not been determined, his reasonable estimate thereof;
- (d) a statement that upon payment of the amounts due the debtor may redeem the collateral;
- (e) a statement that unless the amounts due are paid the collateral will be disposed of and the debtor may be liable for any deficiency; and
- (f) the date, time and place of any public sale or of the date after which any private disposition of the collateral is to be made.

s. 60 (2),
amended

- 11.** Subsection 2 of section 60 of the said Act is amended by striking out "security agreement" in the eighth line and inserting in lieu thereof "financing statement in the prescribed form".

12. Subsection 2 of section 63 of the said Act is repealed.

s. 63 (2),
repealed

13. Section 65 of the said Act is repealed and the following substituted therefor:

s. 65,
re-enacted

65.—(1) Where a security interest was covered by an unexpired filing or registration under *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act*, and in respect of which a financing statement was filed before section 13 of the Statutes of Ontario, 1973, chapter 102 comes into force,

Transitional
provision

R.S.O. 1970,
cc. 33, 45, 76

(a) the financing statement and any filed financing change statement relating thereto shall be deemed to be registered; and

(b) the security interest to which the financing statement relates shall be deemed to be perfected,

under this Act and, subject to this Act, the effect of the prior filing or registration is continued for the unexpired portion of the filing or registration period.

(2) Upon the request of any person and upon payment of the prescribed fee, any chattel mortgage registered under *The Bills of Sale and Chattel Mortgages Act*, any contract registered under *The Conditional Sales Act* or any assignment of book debts registered under *The Assignment of Book Debts Act* shall, subject to section 67, be provided for inspection.

Inspection
of
documents

14. Section 67 of the said Act is repealed and the following substituted therefor:

s. 67,
re-enacted

67.—(1) Where,

Destruction
of
documents

(a) books, documents, records or papers have been preserved for the purposes of this Act; or

(b) chattel mortgages, conditional sale contracts or assignments of book debts registered under *The Bills of Sale and Chattel Mortgages Act*, *The Conditional Sales Act* or *The Assignment of Book Debts Act* have been preserved,

R.S.O. 1970,
cc. 45, 76,
33, 409

for so long that it appears they need not be preserved any longer, the Director of Land Registration appointed under *The Registry Act* may authorize their destruction.

(2) The registrar may remove from the registration system information related to a financing statement or financing change statement that is no longer effective.

Removal
from
registration
system

s. 70 (i),
re-enacted

15. Clause *i* of section 70 of the said Act is repealed and the following substituted therefor:

- (i) prescribing forms, the information to be contained in forms, the manner of recording the information and the persons who shall sign forms;
- (ia) requiring that the forms to be used shall be those provided or approved by the registrar;
- (ib) governing the time assigned to the registration of financing statements and financing change statements;
- (ic) prescribing abbreviations, expansions or symbols that may be used in a financing statement or financing change statement or in the recording or production of information by the registrar;
- (id) fixing the address to which financing statements and financing change statements shall be addressed when tendered by mail for registration;
- (ie) providing for the approval by the registrar of the forms to be used for the purposes of this Act, and for the withdrawal by the registrar of any such approval.

Commence-
ment

16.—(1) This Act, except sections 1 to 14, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 14 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

17. This Act may be cited as *The Personal Property Security Amendment Act, 1973*.

CHAPTER 103

**An Act to amend
The Mortgage Brokers Act**

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Mortgage Brokers Act*, being chapter 278 of ^{s. 1,} amended the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 59 and 1972, chapter 1, section 45, is further amended by adding thereto the following clauses:

(bb) "equity share" means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;

.

(ea) "non-resident" means an individual, corporation or trust that is not a resident;

.

(ia) "resident" means,

- (i) an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada,
- (ii) a corporation that is incorporated, formed or organized in Canada and that is controlled directly or indirectly by persons who are residents or by a resident trust, or
- (iii) a trust that is established by resident individuals or a resident corporation or one in

which resident individuals or corporations hold more than 50 per cent of the beneficial interest.

s. 5 (1),
amended

2. Subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 59, is amended by adding "or" at the end of clause *d* and by adding thereto the following clause:

(*e*) the applicant fails to comply with section 8 or 9, as the case may be.

ss. 8, 9,
enacted

3. The said Act is amended by adding thereto the following sections:

Resident
require-
ments re
individuals

8.—(1) Subject to subsection 2, no individual shall carry on business in Ontario as a mortgage broker unless,

(*a*) he is a resident; or

(*b*) where he is a member of a partnership or an association, syndicate or organization of individuals, every member thereof is a resident.

Idem

(2) An individual who is carrying on business as a registered mortgage broker immediately before the 2nd day of October, 1973, and who on that day is in contravention of subsection 1, may continue to carry on business subject to the provisions of this Act if,

(*a*) his interest or any part thereof is not transferred to or for the benefit of a non-resident; or

(*b*) where he is a member of a partnership or an association, syndicate or organization of individuals, no person who is a non-resident is admitted as a member thereof.

Resident
require-
ments re
corporations

9.—(1) No corporation shall carry on business in Ontario as a mortgage broker if,

(*a*) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction exceeds 25 per cent of the total number of issued and outstanding equity shares of the corporation;

(*b*) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by a non-

resident over which he exercises control or direction, together with other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding equity shares of the corporation; or

- (c) the corporation is not incorporated by or under an Act of Ontario, Canada or any province of Canada.

(2) A corporation that was carrying on business as a registered mortgage broker immediately before the 2nd day of October, 1973, and which on that day is in contravention of subsection 1, may continue to carry on business, subject to the provisions of this Act, Idem

- (a) in the case of a contravention of clause *a* or *b* of subsection 1, if no transfer of equity shares or beneficial interest therein including their control or direction is made to a non-resident or person associated with him excepting when the result would be in compliance with clauses *a* and *b* of subsection 1; or
- (b) in the case of a contravention of clause *c* of subsection 1, until the 1st day of January, 1975, but a corporation incorporated after this Act comes into force and before the 1st day of January, 1975 by or under an Act of Ontario, Canada or a province of Canada may, notwithstanding clauses *a* and *b* of subsection 1, be registered in the place of the first mentioned corporation if the equity shares of the new corporation or beneficial interest therein, including their control or direction, held by non-residents are held directly or indirectly in the same manner as the equity shares of the first mentioned corporation, but where the new corporation is in contravention of clause *a* or *b* of subsection 1, clause *a* of this subsection applies.

(3) For the purpose of this section, a shareholder shall be deemed to be associated with another shareholder if, Associated
shareholders

- (a) one shareholder is a corporation of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a corporation that is controlled, directly or indirectly, by the other shareholder;

- (d) both shareholders are corporations and one shareholder is controlled, directly or indirectly, by the same individual or corporation that controls, directly or indirectly, the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Joint ownership

(4) For the purpose of this section, where an equity share of the corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident.

s. 33 (a), re-enacted

4. Clause *a* of section 33 of the said Act is repealed and the following substituted therefor:

- (a) exempting persons or classes of persons from this Act or the regulations or any provision thereof in addition to those exempted under section 2.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Mortgage Brokers Amendment Act, 1973*.

CHAPTER 104

An Act to amend The Corporations Act

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Part V of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, is repealed. Part V, (ss. 141-159), repealed
- (2) Any reference in any statute, regulation or order to Part V of *The Corporations Act* or any provision thereof shall be deemed to be a reference to *The Co-operative Corporations Act, 1973* or the corresponding provision thereof. References to Part V 1973, c. 101
2. Subsection 13 of section 169 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 2, is amended by striking out “and” at the end of clause *c*, by adding “and” at the end of clause *d* and by adding thereto the following clause:
 - (*e*) undertake contracts of weather insurance as defined for the purposes of *The Insurance Act* in the case of persons whose property it insures against fire. s. 169 (13), amended R.S.O. 1970, c. 224
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-ment
4. This Act may be cited as *The Corporations Amendment Act, 1973*. Short title

CHAPTER 105

**An Act to amend
The Ministry of Natural Resources Act, 1972**

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ministry of Natural Resources Act, 1972*, being^{s. 1,} chapter 4, is repealed and the following substituted therefor:^{re-enacted}

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means the Mining and Lands Commissioner;
- (b) "deputy commissioner" means a deputy mining and lands commissioner;
- (c) "Deputy Minister" means the Deputy Minister of Natural Resources;
- (d) "Minister" means the Minister of Natural Resources;
- (e) "Ministry" means the Ministry of Natural Resources.

- 2.—(1) Subsection 3 of section 5 of the said Act is amended by^{s. 5 (3),} striking out "the Mining Commissioner under *The Mining*^{amended}
Act" in the second and third lines and inserting in lieu thereof "the Commissioner, a deputy commissioner".

- (2) Subsection 4 of the said section 5 is amended by^{s. 5 (4),} inserting after "4" in the second line "of section 5".^{amended}

3. The said Act is amended by adding thereto the following^{s. 5a,} section:^{enacted}

5a.—(1) The Lieutenant Governor in Council may appoint<sup>Appoint-
ments</sup> an officer to be known as the Mining and Lands Commissioner and one or more officers to be known as deputy mining and lands commissioners.

Absence of
Commissioner

(2) In the absence of the Commissioner,

(a) where a deputy commissioner is appointed, he shall perform the duties and exercise the powers of the Commissioner; and

(b) where no deputy commissioner is appointed, the Minister may appoint in writing a person to exercise the powers of the Commissioner to make orders under section 95 of *The Mining Act*.

R.S.O. 1970,
c. 274

Vacancies

(3) In the case of a vacancy in the office of the Commissioner, the deputy commissioner who in point of time is senior in appointment to office shall act as the Commissioner until the vacancy is filled.

Powers, etc.,
of tribunal

(4) Where two or more deputy commissioners are appointed, the Commissioner and two of the deputy commissioners may hear any matter, application or appeal to the Commissioner as a tribunal of three and a hearing by the tribunal shall be deemed to be a hearing before the Commissioner and the decision of the majority shall be the decision of the tribunal.

Seal

(5) The Commissioner shall have a seal of office but no document executed by the Commissioner is invalid by reason of the failure to affix the seal thereto.

Regulations

(6) The Lieutenant Governor in Council may make regulations,

(a) establishing the rules of practice and procedure before the Commissioner or any tribunal provided for in subsection 4;

(b) assigning to the Commissioner authorities, powers and duties of the Minister.

Application
of Part VIII
R.S.O. 1970,
c. 274

(7) Part VIII of *The Mining Act* applies *mutatis mutandis* to the exercise of authorities, powers and duties assigned to the Commissioner under clause *b* of subsection 6.

References
to the
Mining
Commissioner

4. Any reference to the Mining Commissioner in any Act, regulation, rule, letters patent, deed, lease, licence of occupation, licence, permit, contract, judgment or order shall be deemed to be a reference to the Mining and Lands Commissioner.

s. 15,
re-enacted

5. Section 15 of the said Act is repealed and the following substituted therefor:

15. A reference to the district forester or the district forester for the forest district or the district forester for the administrative district of the Ministry in any Act, regulation, rule, letters patent, deed, lease, licence of occupation, licence, permit, contract, judgment or order shall be deemed to be a reference to the district manager of the administrative district of the Ministry.

References
to district
manager

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

7. This Act may be cited as *The Ministry of Natural Resources Amendment Act, 1973*.

Short title

CHAPTER 106

An Act to amend The Mining Act

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 7 of section 1 of *The Mining Act*, being chapter <sup>s. 1, par. 7,
re-enacted</sup> 274 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 7. “Director” means the Director of the Lands Administration Branch.
- (2) Paragraph 26 of the said section 1 is repealed and the <sup>s. 1, par. 26,
re-enacted</sup> following substituted therefor:
 26. “Supervisor” means the Supervisor of the Mining Lands Section.
2. Section 134 of the said Act, as amended by the Statutes of <sup>s. 134,
repealed</sup> Ontario, 1971, chapter 50, section 58, is repealed.
3. Section 136 of the said Act is repealed. <sup>s. 136,
repealed</sup>
4. Section 142 of the said Act, as amended by the Statutes of <sup>s. 142,
repealed</sup> Ontario, 1971, chapter 50, section 58, is repealed.
5. This Act comes into force on a day to be named by the <sup>Commence-
ment</sup> Lieutenant Governor by his proclamation.
6. This Act may be cited as *The Mining Amendment Act, 1973*. ^{Short title}

CHAPTER 107

**An Act to amend
The Assessment Review Court Act, 1972**

*Assented to October 30th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Assessment Review Court Act, 1972*, being ^{s. 8,} chapter 111, is repealed. ^{repealed}
2. Section 10 of the said Act is repealed and the following sub- ^{s. 10,}stituted therefor: ^{re-enacted}

10. The Court shall hold sittings at such place or places ^{Sittings of Court} within a county or district or a metropolitan or regional or district municipality as the chairman from time to time may designate for the purpose of hearing and deciding all complaints relating to assessments in municipalities within the county or district or the metropolitan or regional or district municipality in respect of which a person may appeal to the Court under *The Assessment Act* or any other Act. ^{R.S.O. 1970, c. 32}

3. Section 12 of the said Act is repealed and the following sub- ^{s. 12,}stituted therefor: ^{re-enacted}

12. There shall be a clerk of the Court for each hearing ^{Clerk of Court and} of the Court and the clerk shall keep a record of the pro- ^{record}ceedings and decisions of the Court, which shall be certified by a member of the Court who heard the appeal and when so certified shall be forwarded forthwith to the regional registrar.

4. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
5. This Act may be cited as *The Assessment Review Court Amend-Short title*ment Act, 1973.

CHAPTER 108

An Act to amend The Game and Fish Act

*Assented to November 15th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Game and Fish Act*, being chapter 186 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 30, section 1, is further amended by renumbering paragraph 1 as paragraph 1*a* and by adding thereto the following paragraph:

1. "Board" means the Game and Fish Hearing Board established under section 36*a*.

- 2.—(1) Subsection 5 of section 18 of the said Act is repealed and the following substituted therefor:

(5) No person shall enter or attempt to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish without,

(a) authority; or

(b) paying the fee prescribed by the regulations.

- (2) The said section 18 is amended by adding thereto the following subsection:

(9) A copy of a letter purporting to be signed by the Minister authorizing any person to give the notice referred to in subsection 1 in respect of any land owned by the Crown is *prima facie* evidence of such letter and of the contents thereof.

3. Section 22 of the said Act is repealed.

s. 22,
repealed

- 4.—(1) Subsection 3 of section 36 of the said Act is repealed and the following substituted therefor:

s. 36 (3),
re-enacted

(3) Any person who applies in accordance with this Act and the regulations for,

Issue of
certain
licences

- (a) an angling licence ;
- (b) a licence to hunt game ; or
- (c) a licence referred to in section 76,

and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

s. 36 (8),
re-enacted

(2) Subsection 8 of the said section 36 is repealed and the following substituted therefor :

Wearing
of badge

(8) The holder of a licence of a class designated in the regulations shall, while hunting, wear in a conspicuous place on his person a badge furnished by the Ministry clearly showing the number of the licence.

ss. 36a-36d,
enacted

5. The said Act is amended by adding thereto the following sections :

Game and
Fish Hearing
Board

36a.—(1) The Game and Fish Hearing Board is established and shall be composed of not more than five members who shall be appointed by the Lieutenant Governor in Council, who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Ministry.

Chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman.

Quorum

(3) Three members of the Board constitute a quorum.

Remuner-
ation

(4) The members of the Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Interpre-
tation

36b.—(1) In this section and in sections 36c and 36d, “licence” means a licence other than a licence referred to in subsection 3 of section 36.

Refusal of
licence

(2) An issuer of licences may refuse to issue a licence where the refusal is reasonably necessary for the achievement of the purpose of this Act.

Notice of
refusal

(3) Where an issuer of licences refuses to issue a licence he shall serve notice of the refusal on the applicant for the licence.

Power of
Minister

36c.—(1) The Minister may cancel a licence where the continued existence of the licence is not in accordance with the purpose of this Act.

(2) Where the Minister proposes to cancel a licence under this Act, he shall serve or cause to be served notice of his proposal, together with written reasons therefor, on the holder of the licence. Notice of proposal to cancel licence

36*d*.—(1) A notice under section 36*b* or 36*c* shall inform the applicant or holder of the licence that he is entitled to a hearing by the Board if he mails or delivers to the Minister and to the Board, within fifteen days after the notice under section 36*b* or 36*c* is served on him, notice in writing requiring a hearing by the Board, and he may so require such a hearing. Notice requiring hearing

(2) Where an applicant or holder of the licence requires a hearing by the Board in accordance with subsection 1, the Board shall appoint a time for and hold the hearing and shall report thereon to the Minister. Holding of hearing

(3) The report of the Board shall contain a summary of the facts presented at the hearing and its opinion on the merits of the issuing or cancellation of the licence, as the case may be, in light of the facts and in view of the purpose of this Act, together with its reasons for its opinion. Report

(4) The Minister, after receiving and considering the report of the Board, may direct or refuse to direct the issuance of the licence or may carry out or refrain from carrying out his proposal to cancel the licence, as the case may be. Powers of Minister

(5) The applicant or holder of the licence who has required the hearing and such other persons as the Board may specify are parties to the hearing. Parties

(6) The Minister is entitled to be heard, by counsel or otherwise, upon a hearing under this section. Minister entitled to be heard

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. Application of 1971, c. 47

(8) The Board may extend the time for the giving of notice requiring a hearing by an applicant or holder of the licence under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or holder of the licence and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing

(9) An applicant or holder of the licence who is a party to a hearing under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

Notice of
hearing

(10) Notice of a hearing under this section shall afford to the holder of the licence a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence.

Service of
notice

(11) Any notice required by section 36*b* or 36*c* to be served may be served personally or by registered mail addressed to the person upon whom notice is to be served at his latest known address, and where notice is served by registered mail it shall be deemed to be served on the fifth day after the day of mailing unless the person on whom notice is to be served establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

s. 39 (1),
re-enacted

6.—(1) Subsection 1 of section 39 of the said Act is repealed and the following substituted therefor:

Municipal
licences
to hunt
pheasants,
etc.

(1) Subject to subsection 5, the Minister may in writing authorize any municipality to pass by-laws for issuing and fixing the maximum number of licences to hunt, during the open season, pheasants, rabbits and foxes and for charging such fees therefor as he authorizes, and the Minister may fix the minimum number of such licences that the by-law shall provide for.

s. 39,
amended

(2) The said section 39 is amended by adding thereto the following subsection:

Minister
may limit
his
authority
territorially

(5) The Minister may in his written authority referred to in subsection 1 exempt from the operation of subsection 1 any land of the Crown situate within the municipality or any land within the municipality, the owner of which has entered into an agreement under section 6, respecting such land.

s. 47 (2),
repealed

7. Subsection 2 of section 47 of the said Act is repealed.

s. 69 (1),
re-enacted

8. Subsection 1 of section 69 of the said Act is repealed and the following substituted therefor:

No traffic
in certain
fish

(1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon, (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but subject to such terms and conditions as are prescribed by the regulations,

(a) under the authority of a licence to propagate and sell bass and trout, a sale may be made of smallmouth bass, largemouth bass, brook trout or rainbow trout propagated in Ontario for the purpose of stocking and of brook trout and rainbow trout for human consumption; and

(b) under the authority of a licence to sell trout, a sale may be made for human consumption of,

- (i) brook trout and rainbow trout taken from waters outside Ontario,
- (ii) live brook trout and rainbow trout propagated in Ontario and offered for sale in a restaurant or a retail shop, or
- (iii) surplus stocks of brook trout and rainbow trout held under a fishing preserve licence.

9. Subsection 3 of section 79 of the said Act is repealed and the following substituted therefor: s. 79 (3),
re-enacted

(3) This section does not apply where live game or a wolf Application
of section is kept in captivity in a zoo operated by a municipality or for scientific or educational purposes in a public institution.

10.—(1) Section 91 of the said Act is amended by adding thereto the following paragraphs: s. 91,
amended

3a. regulating, restricting or prohibiting the use of blinds and decoys;

.

6a. prescribing the fee to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish.

(2) Paragraph 13 of the said section 91 is repealed and the following substituted therefor: s. 91,
par. 13,
re-enacted

13. prescribing the number of game animals, game birds or fur-bearing animals that may be taken or possessed.

11. This Act comes into force on the day it receives Royal Assent. Commence-
ment

12. This Act may be cited as *The Game and Fish Amendment Act, 1973*. Short title

CHAPTER 109

An Act to amend The Succession Duty Act

*Assented to November 15th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 1 of section 5 of *The Succession Duty Act*, <sup>s. 5 (1) (*h*),
repealed</sup> being chapter 449 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 15, section 1, is repealed.

- 2.—(1) Subsection 2 of section 7 of the said Act is repealed <sup>s. 7 (2),
re-enacted</sup> and the following substituted therefor:

(2) Notwithstanding subsection 1, no duty shall be levied <sup>No duty to
be levied on a
dependant
under certain
circum-
stances</sup> on any property situate in Ontario passing on the death of the deceased to or for the benefit of a dependant or on him where the sum of the value of property passing on the death of the deceased to the dependant or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed his individual dependant allowance.

- (2) Subsection 3 of the said section 7 is amended by striking <sup>s. 7 (3),
amended</sup> out “dependant” in the second line and inserting in lieu thereof “dependent child” and by striking out “or of his increased individual dependant reduction, if the greater” in the tenth, eleventh and twelfth lines.

- (3) Subsection 4 of the said section 7 is repealed and the <sup>s. 7 (4),
re-enacted</sup> following substituted therefor:

(4) After the reduction provided for in subsection 3 is made, <sup>Duty levied
on a
dependant
to be
reduced-
notch clause</sup> the duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced to an amount equal to one-half of the amount by which the sum of the value of the property passing on the death of the deceased to or for the benefit of such dependant and of all dispositions to him, that do not come within clause *g* of subsection 1 of section 5, exceeds his individual dependant allowance.

s. 7 (11) (b),
repealed

- (4) Clause *b* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed.

s. 7 (11) (c),
re-enacted

- (5) Clause *c* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor:

(c) “dependent child” means,

- (i) a legitimate child of the deceased,
- (ii) a person adopted by the deceased, or
- (iii) a person to whom the deceased or the spouse of the deceased stood *in loco parentis* during the infancy of such person,

who, at the time of the death of the deceased, was under twenty-six years of age or was dependent upon the deceased or the spouse of the deceased or both for financial support by reason of any permanent mental or physical infirmity rendering that person incapable ordinarily of pursuing any substantial gainful occupation.

s. 7 (11) (d, e),
re-enacted

- (6) Clauses *d* and *e* of subsection 11 of the said section 7 are repealed and the following substituted therefor:

(d) “individual dependant allowance” means,

- (i) in the case of the spouse of the deceased, an amount equal to the sum of the value of the property passing on the death of the deceased to or for the benefit of the spouse, plus the value of all dispositions to such spouse that do not come within clause *g* of subsection 1 of section 5,
- (ii) in the case of a dependent child where the deceased is survived by a spouse and where the dependent child is, at the death of the deceased, under the age of twenty-six years, an amount equal to the product of multiplying \$2,000 by the number of full years in the period commencing on the day of the death of the deceased and ending on the day on which the dependent child will, if ever, become twenty-six years of age,

- (iii) in the case of a dependent child where the deceased is not survived by a spouse and where the dependent child is, at the death of the deceased, under the age of twenty-six years, an amount equal to the product of multiplying \$4,000 by the number of full years in the period commencing on the day of the death of the deceased and ending on the day on which the dependent child will, if ever, become twenty-six years of age,
 - (iv) in the case of a dependent child who, at the death of the deceased, is dependent on the deceased or the spouse of the deceased or both by reason of any permanent mental or physical infirmity, an amount in addition to any individual dependant allowance to which such dependent child is entitled under sub-clause ii or iii equal to,
 - A. where the deceased dies after the twenty-fifth birthday of the dependent child, the product of multiplying \$4,000 by the number of full years in the period commencing on the day of the death of the deceased and ending on the day on which the dependent child will, if ever, become seventy-one years of age, or
 - B. where the deceased dies on or before the dependent child's twenty-fifth birthday, the product of multiplying \$4,000 by the number of full years in the period commencing on the day of the anniversary of the death of the deceased that next precedes the day following the day on which the dependent child will, if ever, become twenty-six years of age and ending on the day on which the dependent child will, if ever, become seventy-one years of age;
 - (e) "individual dependant reduction" means an amount equal to one-tenth of the individual dependant allowance applicable to a dependent child with respect to whom the expression is being used.
- (7) Clause *f* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed. <sup>s. 7 (11) (*f*),
repealed</sup>

s. 7 (11) (g),
repealed

(8) Clause *g* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1971, chapter 15, section 2, and amended by 1971 (2nd Session), chapter 3, section 2, is repealed.

s. 9a (2),
amended

3. Subsection 2 of section 9a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 17, section 4, is amended by striking out "to the successor" in the sixth line.

s. 11 (1),
amended

4.—(1) Subsection 1 of section 11 of the said Act is amended by striking out "any member of the family of the deceased either alone or jointly with any person or where the deceased or any member of his family had access or right of access, directly or indirectly, to any such safety deposit box or other repository" in the eighth, ninth, tenth, eleventh and twelfth lines and by inserting in lieu thereof "the spouse of the deceased".

s. 11,
amended

(2) Section 11 of the said Act is amended by adding thereto the following subsection:

Exception

(3) Notwithstanding subsection 1, there may be removed from any repository mentioned in subsection 1 at any time without the consent of the Minister or his representative, the will or other testamentary writing of the deceased, any birth certificate or marriage licence, any title deed, lease, agreement for sale or deed of mortgage or hypothec relating to real property, or any deed, record or other document required in connection with the burial of the deceased.

s. 13 (1),
amended

5.—(1) Subsection 1 of section 13 of the said Act is amended by striking out "three" in the fourth line and inserting in lieu thereof "six".

s. 13 (4),
amended

(2) Subsection 4 of the said section 13 is amended by striking out "shall" in the second line and inserting in lieu thereof "may be required to".

ss. 17a, 17b,
enacted

6. The said Act is amended by adding thereto the following sections:

Interpre-
tation

17a.—(1) In this section,

(a) "farming" includes tillage of the soil, the breeding, raising or grazing of livestock of all kinds, the raising of poultry and the production of poultry products, fur farming, dairy farming, fruit growing, the growing of food for human consumption or for the feeding of livestock, and the keeping of bees;

(b) "farming assets" means,

- (i) land, buildings, equipment, machinery and livestock that are used chiefly in farming,
 - (ii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,
 - (iii) the building in which a person resides who is engaged in farming if that building is on land that is or is contiguous to land used by that person in farming, and
 - (iv) shares in a farming corporation;
- (c) “farming corporation” means a corporation,
- (i) every share of which that confers on the holder thereof the right to vote is, at the date of the death of the deceased and at all times following that death during which any forgivable duty that might be reduced and discharged by the operation of this section remains owing, owned either by the deceased or by a member of his family ordinarily resident in Canada,
 - (ii) 95 per cent of the assets of which are farming assets, and
 - (iii) which continues to carry on the business of farming in Ontario through the employment of members of the family of the deceased actually engaged in the operation of the farm;
- (d) “farming land” means those farming assets that are land that passes on the death of the deceased or that is included in a disposition made by him that does not come within clause *g* of subsection 1 of section 5, or that is owned by a farming corporation that uses it for farming;
- (e) “forgivable duty” means the duty that is levied by this Act on farming assets passing on the death of the deceased to a member of the family of the deceased ordinarily resident in Canada or to a farm corporation, and includes duty levied on or payable by any member of the family of the deceased

ordinarily resident in Canada or any farming corporation, with respect to farming assets, to whom farming assets pass on the death of the deceased or to whom the deceased made a disposition of farming assets that does not come within clause *g* of subsection 1 of section 5, but where the whole of the duty payable as a result of the death of the deceased by a member of the family of the deceased ordinarily resident in Canada or by a farming corporation is not forgivable duty as hereinbefore defined, "forgivable duty" means the proportion of the total duty payable by that person that the value of the farming assets that are dutiable to him bears to the dutiable value of all property passing to him on the death of the deceased and of all dispositions to him from the deceased that do not come within clause *g* of subsection 1 of section 5;

- (*f*) "member of the family", in addition to its meaning in clause *k* of section 1, includes such people as would be members of the family of the deceased if, at the time when the expression is being applied to them, they would have been members of the family of the deceased within clause *k* of section 1 had the deceased then been living.

Discharge of
forgivable
duty

(2) Where the property passing on the death of the deceased or any disposition made by him that does not come within clause *g* of subsection 1 of section 5 includes farming assets, the forgivable duty referable to those farming assets is payable only in accordance with this section and shall be reduced and discharged as hereinafter provided and upon the conditions hereinafter set forth.

Interest

(3) On all forgivable duty that is neither paid nor discharged by operation of this section, interest is payable at the rate applicable to duty payable under subsection 1 of section 16.

Forgivable
duty to be
discharged

(4) Subject to subsection 10, the forgivable duty shall be reduced and discharged by an amount equal to $1/25$ of that forgivable duty on each of the first anniversary of the death of the deceased and the 24 next succeeding anniversaries of his death, and all interest owing at the time of any reduction and discharge of forgivable duty is cancelled by the reduction of duty, provided that, during the year preceding any reduction or discharge of forgivable duty, the farming land has been used in farming by members of the family of the deceased, either as the owners thereof

or as the employees of a farming corporation that owns such farming land, who were ordinarily resident in Canada throughout that year.

(5) If, while any part of the forgivable duty remains unpaid and undischarged, Forgivable duty, when payable

(a) farming ceases to be carried on by members of the family of the deceased on any part of the farming land; or

(b) the farming land or any part of it ceases to be owned by members of the family of the deceased or by a farming corporation,

the part of the forgivable duty that is unpaid and undischarged at the happening of any event referred to in clause *a* or *b* of this subsection is, subject to subsection 10, payable immediately upon the happening of any of the said events, and until fully paid bears interest at the rate applicable to duty payable under subsection 1 of section 16.

(6) Subject to subsection 10, if any event referred to in clause *a* or *b* of subsection 5 occurs before the second anniversary of the date of the death of the deceased, all the forgivable duty owing by the person with respect to whom any such event occurred is immediately payable with interest as hereinbefore provided in this section and notwithstanding that a part of that forgivable duty was discharged by the operation of subsection 4. Exception

(7) For the amount of any forgivable duty from time to time owing on or with respect to farming assets, the Minister has a first lien and charge on all farming land notwithstanding that such farming land was not property passing on the death of the deceased, but such first lien and charge on farming land is effective only where notice of the existence of such lien and charge is registered against the farming land in the proper land registry office. First lien and charge

(8) Where farming land owned by a farming corporation has been encumbered after the death of the deceased and before the registration by the Minister of a notice of lien and charge for forgivable duty as provided for in subsection 7, the Minister may, unless he is given priority over the encumbrance, declare that no forgivable duty arises on the death of the deceased, and where such a declaration is made in writing to the farming corporation owning the farming land that has been encumbered, this section does not apply to reduce or discharge the duty owing by any person, and the duty is payable in accordance with section 16. Encumbrance of farming land

Information
to be
furnished
to Minister

(9) The Minister may from time to time require any person to furnish to him information on any matter that, in the opinion of the Minister, is relevant in establishing that all the conditions laid down by this section have been and continue to be fulfilled by all persons by whom forgivable duty is payable, and where a person who should furnish such information as the Minister requires refuses so to do, the Minister may demand from that person the forgivable duty owing by him that is then unpaid and undischarged, and upon the demand in writing being made, the forgivable duty owing is forthwith payable with interest at the rate applicable to duty payable under subsection 1 of section 16, but no demand under this subsection shall be made until the person thereby affected has been afforded an opportunity to appear before the Minister to show why the information was not provided by him as required.

Payment in
lieu of
cancellation
of forgivable
duty

(10) Where the occurrence of any event referred to in clause *a* or *b* of subsection 5 results in the immediate payment of any forgivable duty, the Minister may accept in lieu of such immediate payment the whole or any part of such sum as he considers to have been realized as a result of the occurrence of any of the said events, and upon his accepting such payment, this section continues to apply as if the event had not occurred, but any payment so accepted shall be applied to reduce the total amount of forgivable duty payable by the person from whom such payment was accepted, and this section shall thereafter be construed as though the forgivable duty were the amount remaining after the application of such payment accepted by the Minister in accordance with this subsection.

Farming
asset
deduction

(11) Notwithstanding any provision of this Act to the contrary, where farming assets are property deemed to pass on the death of the deceased by subclause *x* of clause *r* of section 1 or are included in a disposition or dispositions that do not come within clause *g* of subsection 1 of section 5, the aggregate and the dutiable value of such farming assets shall, for the purpose of computing the duty imposed by this Act, be reduced by an amount equal to the lesser of,

(a) the dutiable value of such farming assets before making the reduction required by this subsection; or

(b) \$50,000.

Interpre-
tation

17*b*.—(1) In this section,

(a) “eligible corporation” means a company,

- (i) incorporated under the laws of Canada or a province of Canada,
- (ii) that carries on in Canada an active commercial business (other than a business of an investment or financial nature that is not the making of loans or the trading or dealing in stocks, bonds, mortgages, bills, notes or other similar property) from which at least 75 per cent of its income is derived, and
- (iii) more than 50 per cent of the voting shares in which are held at the death of the deceased by the deceased, the deceased and members of his family ordinarily resident in Canada, or members of the family of the deceased ordinarily resident in Canada;

(b) “family business duty” means,

- (i) the duty levied on shares of an eligible corporation that are property passing on the death of the deceased to a member of the family of the deceased ordinarily resident in Canada, and
- (ii) the duty levied on a member of the family of the deceased ordinarily resident in Canada or payable by him with respect to shares of an eligible corporation that are property passing to him on the death of the deceased or that are included in a disposition to him made by the deceased that does not come within clause *g* of subsection 1 of section 5, but where family business duty as hereinbefore defined is only part of the duty payable as a result of the death of the deceased by a member of the family of the deceased ordinarily resident in Canada, “family business duty” means the proportion of the total duty payable by that person that the value of the shares in the eligible corporation that are dutiable to him bears to the value of all property passing to him on the death of the deceased and of all dispositions to him from the deceased that do not come within clause *g* of subsection 1 of section 5.

(2) Where shares of an eligible corporation pass on the death of a deceased to a member of his family ordinarily resident in Canada or are included in a disposition that is

Payment of
family
business
duty

made by the deceased to a member of his family ordinarily resident in Canada and that does not come within clause *g* of subsection 1 of section 5, the family business duty and the interest thereon from time to time owing may, if the person by whom such duty and interest are payable so elects in writing within six months after the death of the deceased, be paid either,

- (a) in equal semi-annual or quarterly instalments commencing on the first anniversary of the death of the deceased and payable over the six years immediately following the first anniversary of the death of the deceased and so calculated as to discharge all such duty and interest by the payment of the final instalment, but all interest on such duty shall be computed at the rate and from the time applicable to interest on duty payable under subsection 1 of section 16, and no discount shall be allowed for the prepayment of any instalment of such duty and interest; or
- (b) by transferring to the Treasurer the absolute ownership of shares, of a class and quantity acceptable to the Treasurer, in the eligible corporation that have a fair market value at the time of such transfer of not less than the family business duty and interest then owing by the person by whom or on whose account such shares are transferred,

and where a person by whom family business duty is payable does not make the election provided for in this subsection, the family business duty payable by him is payable in accordance with section 16.

Sale of
shares by
Treasurer

(3) Subject to subsections 4, 5, 6 and 7, the Treasurer shall not sell or dispose of any shares transferred to him under clause *b* of subsection 2 unless, within the six months preceding such sale, he has offered the same number and class of shares at the same or a lesser price to the members of the family of the deceased living at the time such offer is made, and the offer has not been accepted by the person to whom it is made or by that person's parent or guardian where that person is a minor.

Offer to
members of
the family

(4) An offer made to comply with subsection 3 shall take into account the number of shares of the class of shares offered for sale that is already owned by members of the family of the deceased ordinarily resident in Canada to whom the offer is made, and the shares of each class shall be offered

to each person in such number as will maintain, as nearly as may be between the members of the family of the deceased ordinarily resident in Canada, the ratio of their ownership of shares in the class in question, but no failure to preserve such ratio of ownership prevents or invalidates a sale of any shares sold pursuant to an offer under subsection 3.

(5) An offer made to comply with subsection 3 shall be open ^{Idem} for acceptance for at least thirty days from the day on which it is made, and such offer shall be deemed to be made on the day when it is sent by registered mail to the address of the offeree or, if his address is unknown, to such address as, upon reasonable inquiry, appears to the Treasurer to be the offeree's last known address.

(6) Where, in order to comply with subsection 3, an offer ^{Offer to minors} is made to a member of the family of the deceased ordinarily resident in Canada who is a minor, the offer may be accepted on the minor's behalf by his parent or guardian, in which case the shares specified in the offer shall be transferred by the Treasurer to the parent or guardian accepting the offer on behalf of the minor and in trust to be transferred to the minor absolutely when he attains his majority.

(7) No provision in the by-laws or articles of association ^{Restrictions on transfer not to apply to sale by Treasurer} of an eligible corporation that restricts or prevents the transfer of shares that have been transferred to the Treasurer under clause *b* of subsection 2 is applicable or effective to prevent the Treasurer from selling in accordance with this section any such shares or to prevent the purchaser from the Treasurer from being registered as a shareholder of the eligible corporation or from exercising the rights attaching to the class of shares purchased from the Treasurer.

(8) The Treasurer may in writing delegate to any person ^{Delegation} the management and custody of any shares transferred to him under this section and the performance of the powers and duties conferred and imposed upon the Treasurer by this section, and any such delegation may from time to time be altered or revoked by the Treasurer.

7. This Act comes into force on the day it receives Royal Assent, ^{Commencement and application} but applies to every case in which duty is imposed by *The Succession Duty Act* as a result of the death of a person dying after the 12th day of April, 1973.

8. This Act may be cited as *The Succession Duty Amendment Act, 1973*. ^{Short title}

CHAPTER 110

**An Act to amend
The Protection of Cattle Act**

*Assented to November 15th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 3, 4 and 5 of *The Protection of Cattle Act*, being ^{ss. 3-5,} chapter 294 of the Revised Statutes of Ontario, 1950, are ^{repealed} repealed.
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment
3. This Act may be cited as *The Protection of Cattle Amendment* ^{Short title} Act, 1973.

CHAPTER 111

**An Act to amend
The Hunter Damage Compensation Act**

*Assented to November 15th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Hunter Damage Compensation Act*, being ^{s. 2,} amended chapter 215 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

 (2) Every agricultural representative and assistant agricultural representative is *ex officio* a valuer for the purposes <sup>Representa-
tives *ex officio*
valuers</sup> of this Act.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Hunter Damage Compensation* ^{Short title} *Amendment Act, 1973*.

CHAPTER 112

**An Act to amend
The Agricultural Representatives Act**

*Assented to November 15th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1 and 2 of *The Agricultural Representatives Act*, being chapter 13 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "agricultural representative" means a person appointed under *The Public Service Act* to carry out the duties of agricultural representatives for a county, provisional county, district municipality, regional municipality or territorial district in Ontario;
- (b) "assistant agricultural representative" means a person appointed under *The Public Service Act* to assist an agricultural representative in the carrying out of his duties.

R.S.O. 1970,
c. 386

2. Section 3 of the said Act is repealed and the following substituted therefor:

s. 3,
re-enacted

3. The agricultural representatives and assistant agricultural representatives shall perform such duties as the Minister of Agriculture and Food, or such officer of the Ministry of Agriculture and Food as he may designate, may from time to time direct, and any moneys appropriated by the Legislature for the purposes of this Act shall be expended subject to such direction.

Duties
and
expenditure

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Agricultural Representatives Amendment Act, 1973*.

Short
title

CHAPTER 113

An Act to amend The Pension Benefits Act

*Assented to November 15th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 1 of *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (1) (d),
re-enacted

(*d*) “employer” means, in relation to an employee, any person or association from whom the employee receives his remuneration, and includes Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Municipal Affairs Act*, and a metropolitan municipality and the local boards thereof. R.S.O. 1970,
c. 118

2. Clauses *c* and *e* of subsection 1 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (1) (c, e),
re-enacted

(*c*) to administer and enforce this Act, and to cancel pension plan certificates of registration issued in respect of any pension plans,

(i) that fail to meet the tests for solvency prescribed by the regulations, or

(ii) in respect of which the employer or the plan administrator has failed to comply with this Act or the regulations, or

(iii) that are not being administered according to a contractual provision required by this Act or the regulations;

.

(*e*) to assess and collect fees for the registration and annual supervision of pension plans; and

.

s. 11,
amended

- 3.** Section 11 of the said Act is amended by striking out “in addition to the fees and charges assessed under clause *e* of subsection 1 of section 10 and the fines imposed under section 29” in the second and third lines.

s. 21,
amended

- 4.** Section 21 of the said Act is amended by adding thereto the following subsection:

Benefit
not to be
less than
contribu-
tions

(11) Notwithstanding any provision of this section and any provision of a pension plan, where,

(a) any employee is entitled upon termination of his employment or upon termination of his membership in a pension plan to a deferred or immediate pension benefit; and

(b) on the date of termination of his employment or termination of his membership in a pension plan, his pension benefit credit is less than the value of his contributions made to the plan towards such pension benefit,

his pension benefit credit shall be increased to an amount not less than the said value of his contributions.

s. 22 (1) (b),
repealed

- 5.** Clause *b* of subsection 1 of section 22 of the said Act is repealed.

ss. 23a, 23b, 23c,
enacted

- 6.** The said Act is amended by adding thereto the following sections:

Employee's
payments
held in
trust

23a.—(1) Any sum received by an employer from an employee pursuant to an arrangement for the payment of such sum by the employer into a pension plan as the employee's contribution thereto shall be deemed to be held by the employer in trust for payment of the same after his receipt thereof into the pension plan as the employee's contribution thereto and the employer shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust.

Idem:
payroll
deductions

(2) For the purposes of subsection 1, any sum withheld by an employer, whether by payroll deduction or otherwise, from moneys payable to an employee shall be deemed to be a sum received by the employer from the employee.

Employer's
contribu-
tions held
in trust

(3) Any sum required to be paid into a pension plan by an employer as the employer's contribution to the plan shall, when due under the plan, be deemed to be held by the employer in trust for payment of the same into the plan in accordance with the plan and this Act and the regulations as the employer's

contribution and the employer shall not appropriate or convert any part of the amount required to be paid to the fund to his own use or to any use not authorized by the terms of the pension plan.

23b.—(1) Every employer shall provide to each employee who is eligible or required to become a member of a registered pension plan, with reference to the benefits available to him under the terms of the plan, Distribution of information to employees

- (a) a written explanation of the terms and conditions of the plan applicable to him;
- (b) a written explanation of the rights and duties of the employee; and
- (c) such other information as may be prescribed by the regulations,

on or before the date such employee is eligible or required to become a member.

(2) Before the 1st day of July, 1974, every employer shall Idem have provided the explanation and information mentioned in subsection 1 including an explanation and information respecting any amendments made to the plan which affect the members of the plan to each member of the plan and to each eligible employee.

(3) Within six months after a pension plan is established, Idem every employer shall provide the explanation and information referred to in subsection 1 respecting the plan to each member of the plan and to each eligible employee.

(4) Within six months after a pension plan is amended, Idem the employer shall provide the explanation and information referred to in subsection 1 respecting the plan as amended to each member affected by the amendment and to each eligible employee.

(5) Every employer shall provide an employee who, upon Idem termination of employment or termination of membership in a pension plan, becomes entitled to an immediate or deferred pension benefit with a written statement showing the benefits to which he is entitled or to which he may become entitled.

23c. A member of a registered pension plan or his agent authorized in writing may inspect and make extracts from the plan at the offices of the Commission at any time during business hours. Inspection of plan by members

7. The said Act is further amended by adding thereto the following section: s. 25a. enacted

Continuation
of benefits
under
successor
employer

25a.—(1) Where an employer who is bound by or is a party to a pension plan sells, assigns or otherwise disposes of all or part of his business or undertaking or all or part of the assets of his business or undertaking, and,

- (a) in conjunction therewith, an employee of the employer becomes an employee of the person acquiring such business, undertaking or assets, in this section called the successor employer; and
- (b) the successor employer does not assume responsibility for the accrued pension benefits of the employer's pension plan,

the employee referred to in clause *a* continues to be entitled to the benefits provided under the terms of the plan in respect of his service in Ontario or a designated province without further accrual.

Re-employ-
ment deemed
not a
termination

(2) Where a transaction described in subsection 1 has taken place, irrespective of whether the successor employer has or has not assumed responsibility for the accrued pension benefits of the employer's pension plan, for the purposes of the employer's plan, the employment or membership in the employer's plan of an employee referred to in clause *a* of subsection 1 shall be deemed not to have been terminated by reason of the transaction.

Service
deemed
continuous

(3) Where a transaction described in subsection 1 has taken place, irrespective of whether the successor employer has or has not assumed responsibility for the accrued pension benefits of the employer's pension plan, for the purpose of,

- (a) determining whether an employee is entitled to a deferred life annuity under a pension plan of the employer or successor employer; or
- (b) determining completed service with respect to any eligibility condition of a successor employer's pension plan,

the service of the employee shall be deemed to include his service with both the employer and the successor employer without any break in service notwithstanding the change of employers referred to in clause *a* of subsection 1.

s. 29 (4),
repealed

8. Subsection 4 of section 29 of the said Act is repealed.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Pension Benefits Amendment Act, 1973*.

CHAPTER 114

An Act to amend The Vital Statistics Act

*Assented to November 15th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *v* of section 1 of *The Vital Statistics Act*, being chapter 483 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (v),
re-enacted

(v) “still-birth” means the complete expulsion or extraction from its mother of a product of conception either after the twentieth week of pregnancy or after the product of conception has attained the weight of 500 grams or more, and where after such expulsion or extraction there is no breathing, beating of the heart, pulsation of the umbilical cord or movement of voluntary muscle.

2. Subsection 3 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (3),
re-enacted

(3) The Registrar General shall cause all deaths registered under this Act to be classified according to the International List of Causes of Death as revised at the last decennial revision thereof by the International Commission assembled for that purpose. Classifi-
cation by
Internat-
ional List of
Causes of
Death

- 3.—(1) Subsection 6 of section 6 of the said Act is repealed and the following substituted therefor: s. 6 (6),
re-enacted

(6) If the request referred to in subsection 5 is made after the registration of the birth, the Registrar General shall upon payment of the prescribed fee amend the registration in accordance with the request. Amendment
of registra-
tion

- (2) Subsection 9 of the said section 6 is repealed and the following substituted therefor: s. 6 (9),
re-enacted

Amendment
of registra-
tion

(9) The statutory declaration mentioned in subsection 8 shall be filed by the mother with the division registrar or, if the declaration is made after the registration of the birth, with the Registrar General, and in the latter case the Registrar General shall upon payment of the prescribed fee amend the registration in accordance with such declaration.

s. 15 (2),
re-enacted

4. Subsection 2 of section 15 of the said Act is repealed and the following substituted therefor:

Registration
of marriage

(2) If an officer designated under clause *m* of section 54 is satisfied as to the correctness and sufficiency of a statement of marriage forwarded to the Registrar General under subsection 2 of section 29 of *The Marriage Act*, he shall register the marriage and upon the request of the person who solemnized the marriage, he shall mail an acknowledgment of receipt of the statement of marriage to such person.

R.S.O. 1970,
c. 261

s. 17 (3, 4),
re-enacted

5. Subsections 3 and 4 of section 17 of the said Act are repealed and the following substituted therefor:

Medical
certificate
of death

(3) Subject to subsection 4, any legally qualified medical practitioner who has been in attendance during the last illness of a deceased person or who has sufficient knowledge of the last illness, shall forthwith after the death complete and sign a medical certificate of death in the prescribed form, stating therein the cause of death according to the International List of Causes of Death as last revised by the International Commission assembled for that purpose, and shall deliver the medical certificate to the funeral director or other person in charge of the body.

Coroner's
case
1972, c. 98

(4) In the case of a death of which the coroner is required to be notified under section 9 of *The Coroners Act, 1972*, the coroner notified shall, as soon as the cause of death is known, complete and sign a medical certificate of death in the prescribed form, stating therein the cause of death according to the International List of Causes of Death as last revised by the International Commission assembled for that purpose, and shall deliver the medical certificate to the funeral director in charge of the body.

Copying of
death
certificate

(5) No person shall make a copy or a duplicate of the medical certificate of death, nor shall any person receive a copy of the certificate, except as authorized by this or any other Act or the regulations made thereunder.

Duties of
funeral
director,
etc.

(6) Upon receipt of the statement containing the personal particulars and the medical certificate of death, the funeral director shall complete the statement containing personal

particulars, setting forth the proposed date and place of burial, cremation or other disposition or the removal of the body, and shall deliver the statement and the medical certificate to the division registrar of the proper registration division.

6. Subsection 2 of section 20 of the said Act is repealed and ^{s. 20 (2),} the following substituted therefor: ^{re-enacted}

(2) Where a person has died under any of the circumstances mentioned in subsection 1 and it is impracticable ^{Coroner's} for the coroner to complete a medical certificate of the cause of death, he may issue his warrant to bury ^{warrant} when he has examined the body as provided in *The Coroners Act, 1972*, ^{to bury} 1972, c. 98 and the division registrar shall issue a burial permit on the delivery to him of the warrant to bury and the statement of death and the coroner shall, as soon as the cause of death is known, complete and deliver or mail the medical certificate of death to the Registrar General.

- 7.—(1) This Act, except section 3, comes into force on the day ^{Commence-} it receives Royal Assent. ^{ment}

(2) Section 3 comes into force on a day to be named by the ^{Idem} Lieutenant Governor by his proclamation.

8. This Act may be cited as *The Vital Statistics Amendment* ^{Short title} Act, 1973.

CHAPTER 115

An Act to amend The Gasoline Handling Act

*Assented to November 15th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Gasoline Handling Act*,<sup>s. 1 (1),
amended</sup> being chapter 189 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, s. 41, is further amended by adding thereto the following clause:

(ca) “Director” means the Director of the Energy Branch.
- (2) Clause *f* of subsection 1 of the said section 1 is repealed<sup>s. 1 (1) (f),
re-enacted</sup> and the following substituted therefor:

(f) “gasoline” means a product of petroleum that has a flash point below 100°F. and that is designed for use in an internal combustion engine.
- (3) Subsection 2 of the said section 1, as enacted by the Statutes<sup>s. 1 (2),
repealed</sup> of Ontario, 1971, chapter 50, section 43 and amended by 1972, chapter 1, section 41, is repealed.
2. Section 2 of the said Act is amended by striking out “Minister”<sup>s. 2,
amended</sup> in the sixth line and inserting in lieu thereof “Director”.
3. Section 3 of the said Act is amended by striking out “73°F.”<sup>s. 3,
amended</sup> in the third line and inserting in lieu thereof “100°F.” and by striking out “Minister” in the fourth line and inserting in lieu thereof “Director”.
4. Section 4 of the said Act is amended by striking out “Minister”<sup>s. 4,
amended</sup> in the first line and inserting in lieu thereof “Director”.
- 5.—(1) Section 6 of the said Act, as re-enacted by the Statutes of<sup>s. 6,
re-enacted</sup> Ontario, 1971, chapter 50, section 43, is repealed and the following substituted therefor:

Licence to
operate
service
station, etc.

- 6.—(1) No person shall,
- (a) operate a service station;
 - (b) operate a marina;
 - (c) operate a bulk plant; or
 - (d) transport gasoline or an associated product,

unless licensed to do so by the Director.

Installation,
repair, etc.
of equipment

(2) No person shall install, repair, service or remove equipment at a bulk plant, consumer outlet, marina or service station unless he is,

- (a) engaged in the business of installing, repairing, servicing or removing such equipment; and
- (b) registered as a contractor by the Director for that purpose,

or he is an employee of such person.

Entitlement
to licence
or
registration

(3) Subject to section 6a, any person who makes application for a licence in accordance with this Act and the regulations for any of the purposes enumerated in subsection 1 or makes application for registration as a contractor in accordance with this Act and the regulations and pays the prescribed fee is entitled to be issued such licence or registered as a contractor by the Director.

Entitlement
to renewal
of licence or
registration

(4) Subject to section 6b, a licensee or registrant who makes application for a renewal of his licence or registration in accordance with this Act and the regulations and pays the prescribed fee is entitled to a renewal of his licence or registration by the Director.

Commence-
ment of
s. 6 (2)

(2) Subsection 2 of section 6 of the said Act, as re-enacted by subsection 1 of this section, does not come into force until a day to be named by the Lieutenant Governor by his proclamation.

ss. 6a, 6b, 6c,
re-enacted

6. Sections 6a, 6b and 6c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, are repealed and the following substituted therefor:

Refusal to
issue licence
or to register

6a. Subject to section 6c, the Director may refuse to issue a licence to an applicant or to register an applicant who has otherwise complied with the requirements of section 6 if in his opinion the past conduct of the applicant or where the applicant is a corporation, of its officers, directors or servants, affords reasonable grounds for belief that the operations to be carried on pursuant to the licence or registration will not be carried on in accordance with law and in a safe manner.

6b. Subject to section 6c, the Director may refuse to renew or may suspend or revoke a licence or registration if in his opinion the licensee or registrant or where the licensee or registrant is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of operations pursuant to the licence or registration to contravene any provision of this Act or of the regulations or of any other Act or regulation applying to the carrying on of such operations, and such contravention occurred through lack of competence or with intent to evade the requirements of such provision.

6c.—(1) Where the Director proposes to refuse to issue or renew a licence or registration or proposes to suspend or revoke a licence or registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant, licensee or registrant informing him that he has a right to a hearing by a judge of the county or district court of the county or district in which he intended to carry on or carried on his operations under the licence or registration if he applies therefor within fifteen days after service of the notice by the Director, and the applicant, licensee or registrant may within such time apply to the judge for a hearing.

(2) Where an applicant, licensee or registrant does not apply for a hearing in accordance with subsection 1, the Director may carry out the proposal stated in his notice under subsection 1.

(3) Where an applicant, licensee or registrant applies to a judge for a hearing in accordance with subsection 1, the judge shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and take such action as the judge considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the Director.

(4) The Director may serve notice under subsection 1 personally or by registered mail addressed to the applicant, licensee or registrant at his address last known to the Director and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

Extension of
time for
hearing

(5) A judge to whom application is made by an applicant, licensee or registrant for a hearing under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant, licensee or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

Continuation
of licences or
registrations
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence or registration, a licensee or registrant has applied for renewal of his licence or registration and paid the prescribed fee, his licence or registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying to a judge for a hearing expires and, where a hearing is applied for, until the judge has made his order.

s. 6d (1-3),
re-enacted

7. Subsections 1, 2 and 3 of section 6d of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, are repealed and the following substituted therefor:

Parties

(1) The Director, the applicant, licensee or registrant who has applied for the hearing and such other persons as the judge may specify are parties to the proceedings before a judge under section 6c.

Notice of
hearing

(2) Notice of a hearing under section 6c shall afford to the applicant, licensee or registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or registration.

Examination
of
documentary
evidence

(3) An applicant, licensee or registrant who is a party to proceedings under section 6c shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

s. 6e (4),
amended

8. Subsection 4 of section 6e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the fourth line and inserting in lieu thereof "Director".

9. Section 6*f* of the said Act, as enacted by the Statutes of Ontario, <sup>s. 6*f*,
re-enacted</sup> 1971, chapter 50, section 43, is repealed and the following substituted therefor:

6*f*. Notwithstanding section 6*c*, the Director, by notice <sup>Provisional
order of
Director</sup> to a licensee or registrant and without a hearing, may provisionally refuse renewal of or suspend the licence or registration where the carrying on of the operations under the licence or registration is, in the Director's opinion, an immediate threat to public safety or the safety of any person and the Director so states in the notice giving his reasons therefor, and thereafter sections 6*c*, 6*d* and 6*e* apply as if the notice given under this section were a notice of a proposal to revoke the licence or registration served under subsection 1 of section 6*c*.

- 10.—(1) Subsection 4*a* of section 8 of the said Act, as enacted <sup>s. 8 (4*a*),
amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the third line and inserting in lieu thereof "Director".

- (2) Subsection 4*b* of the said section 8, as enacted by the <sup>s. 8 (4*b*),
amended</sup> Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the second line and inserting in lieu thereof "Director".

- (3) Subsection 4*c* of the said section 8, as enacted by the <sup>s. 8 (4*c*),
amended</sup> Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the second line and inserting in lieu thereof "Director".

- (4) Subsection 4*d* of the said section 8, as enacted by the <sup>s. 8 (4*d*),
amended</sup> Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the first line and in the eighth line and inserting in lieu thereof in each instance "Director".

- 11.—(1) Clause *d* of section 9 of the said Act is amended by <sup>s. 9 (d),
amended</sup> inserting after "and" in the second line "registrations and".

- (2) Clause *e* of the said section 9 is amended by striking out <sup>s. 9 (e),
amended</sup> "Minister" in the second line and inserting in lieu thereof "Director".

- (3) Clause *g* of the said section 9 is amended by striking out <sup>s. 9 (g),
amended</sup> "Minister" in the first line and inserting in lieu thereof "Director".

s. 9,
amended

(4) The said section 9, as amended by the Statutes of Ontario, 1971, chapter 50, section 43, is further amended by adding thereto the following clauses:

(j) requiring the reporting of accidents, spills and leaks involving gasoline or associated products;

(k) providing for and requiring the keeping of records and plans and the making of affidavits, returns, statements or reports on the handling of gasoline and associated products;

(l) requiring and providing for the approval of design and construction standards and drawings for equipment and installations.

s. 9,
amended

(5) The said section 9 is further amended by adding thereto the following subsection:

Adoption of
codes by
reference

(2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or specifications and may require compliance with any code or specifications that is so adopted.

Commence-
ment

12. This Act, except as provided in subsection 2 of section 5, comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Gasoline Handling Amendment Act, 1973*.

CHAPTER 116

**An Act to amend
The Racing Commission Act**

*Assented to November 15th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Racing Commission Act*, being chapter 398 of the Revised Statutes of Ontario, 1970, is amended by striking out “and may appoint such officers, clerks or other employees as are necessary for the purposes of the Commission, and shall fix their salaries, wages or other remuneration” in the third, fourth and fifth lines. s. 8,
amended
- 2.—(1) Clause *f* of section 11 of the said Act is amended by adding at the end thereof “and to impose such terms and conditions on a licence as the Commission considers expedient”. s. 11 (*f*),
amended

(2) Clause *g* of the said section 11 is amended by inserting after “on” in the fifth line “and to impose such terms and conditions on a licence”. s. 11 (*g*),
amended
3. Section 15 of the said Act is repealed and the following substituted therefor: s. 15,
re-enacted

15.—(1) Rules for the conduct of horse racing may be promulgated by the Commission under this Act and the Commission may therein delegate to stewards, judges, veterinarians, race track officials, racing association officials, licensing agents or officers of the Commission such of the following powers as the Commission considers expedient, Rules by
Commission
for racing
 - (a) to hold hearings relating to the carrying out of its objects or powers;
 - (b) to enforce the carrying out and observance of all regulations, rules and conditions established under this Act;

- (c) to license owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise boys, tradesmen and such other persons in or about race tracks at which horse racing in any of its forms is carried on ;
- (d) to collect fees or other charges for licences ;
- (e) to impose and collect fines and other penalties for a contravention of any requirement of the Commission under this Act.

Aggrieved
person
entitled
to a
hearing

(2) Any person who considers himself aggrieved by a decision of a person delegated by the Commission under a rule made under subsection 1 is entitled to a hearing by the Commission and, in the case of a hearing, the Commission may exercise its powers and duties under section 11 as if such powers and duties had not been delegated.

Orders or
rules to be
administra-
tive

(3) Any order or rule issued or made by the Commission under this Act shall be deemed to be of an administrative and not of a legislative nature.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Racing Commission Amendment Act, 1973*.

CHAPTER 117

An Act to amend The Separate Schools Act

*Assented to November 21st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6a of section 80 of *The Separate Schools Act*, being <sup>s. 80 (6a),
amended</sup> chapter 430 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 137, section 4, is amended by striking out "21" in the sixth line and inserting in lieu thereof "2l".
2. The said Act is amended by adding thereto the following <sup>s. 86a,
enacted</sup> section:

86a.—(1) Where the boundaries of an area designated by <sup>Alteration of
boundaries;
disposition of
assets and
liabilities</sup> the regulations under subsection 2 of section 81 are altered, all lands and premises that,

- (a) are situate in a municipality or part thereof or territory without municipal organization that is added to the designated area by such alteration;
- (b) are used as separate schools on the last school day preceding the effective date of such alteration; and
- (c) immediately prior to the effective date of such alteration are vested in a separate school board,

shall, on and after such effective date, be vested without compensation, but subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the county or district combined separate school board for the designated area to which the municipality or part thereof or territory without municipal organization is added, and the separate school boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

Dispute

(2) Any dispute as to the disposition of property under subsection 1 may be referred by one or more of the boards concerned to the Ontario Municipal Board which shall determine the matters in dispute, and its decision is final.

Employment
contracts

(3) The employment contract of every employee of a separate school board who, immediately before the effective date of the alteration of the boundaries of an area designated by the regulations under subsection 2 of section 81 was required to perform his duties in a separate school that is vested under subsection 1 in the county or district combined separate school board for such designated area becomes an obligation of such county or district combined separate school board.

Transfer
of trustee

(4) Subject to subsection 8, where one or more municipalities are detached from an area designated by the regulations under subsection 2 of section 81 and attached to an adjoining designated area and one trustee of the county or district combined separate school board for the designated area from which the municipality or municipalities are detached resides in one such municipality and was elected by the separate school electors of such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such trustee shall, on the effective date of the attaching of the municipality or municipalities cease to be a trustee of the separate school board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

- (a) to have been elected by separate school electors of the county or district combined separate school board for the designated area to which the municipality in which he resides is attached; and
- (b) to represent on such board the separate school electors of the municipality in which he resides and of the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 8 of section 90 at the time of his election and that are also attached to such designated area,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 8 of section 90 as a municipality or combination of municipalities, as the case may be, to be represented by one trustee.

Composition
of board
reduced

(5) Where one or more municipalities are detached from an area designated by the regulations under subsection 2

of section 81 and the number of trustees of the county or district combined separate school board for such area is reduced pursuant to subsection 4, for the remainder of the term of the board the number of trustees who remain on the board shall be deemed to be the number determined under subsection 2 of section 90.

(6) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization is detached from an area designated by the regulations under subsection 2 of section 81 and attached to an adjoining designated area or area of jurisdiction of an urban separate school board, on the effective date thereof and for the remainder of the term of office of the separate school board for the area that is enlarged, the separate school electors in such municipality or part or territory without municipal organization shall be represented by the trustee or trustees of the separate school board last elected in, Trustee to represent transferred area

(a) the municipality, combination of municipalities or part or parts thereof or territory without municipal organization in the designated area; or

(b) the ward established for election of one or more trustees of the urban separate school board,

that adjoins such attached municipality or part or territory without municipal organization, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

(7) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization that is attached to a designated area adjoins two or more municipalities in the designated area that are not combined for the purpose of electing one or more trustees, the county or district combined separate school board for the area that is enlarged shall, by resolution, determine the trustee or trustees who, for the remainder of the term of office of the board, shall represent the municipality or part or territory without municipal organization that is attached to the designated area, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4. Determination of trustee representation by enlarged board

(8) Subsections 4, 6 and 7 do not apply where a regular election of the board is to be held before the effective date on which the municipality or municipalities or part or parts thereof or territory without municipal organization is attached. Application of subss. 4, 6, 7

Area added to
Scarborough
to be under
M.S.S. Board
1973, c. 48

(9) The area added to the Borough of Scarborough by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1973*, shall, on and after the 1st day of January, 1974, be part of the district of which the separate schools are administered by the Metropolitan Separate School Board.

s. 90 (6) (a),
amended

- 3.** Clause *a* of subsection 6 of section 90 of the said Act is amended by striking out “under subsection 2 of section 81” in the fifth and sixth lines.

s. 92,
amended

- 4.**—(1) Section 92 of the said Act is amended by adding thereto the following subsection:

Idem

(1*a*) Where, on the 31st day of December, 1973, a pupil is enrolled in a separate school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in the area of jurisdiction of a separate school board other than the separate school board that has jurisdiction in the area in which the pupil resides, the pupil has, in addition to any other right that he may have under *The Ministry of Education Act*, *The Schools Administration Act* or this Act, the right to attend the school until he completes his education in the school, and the separate school boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils.

R.S.O. 1970,
cc. 111, 424

s. 92 (3),
amended

- (2) Subsection 3 of the said section 92 is amended by striking out “1” in the first line and inserting in lieu thereof “1, 1*a*”.

Commence-
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Separate Schools Amendment Act, 1973*.

CHAPTER 118

**An Act to amend
The Schools Administration Act**

*Assented to November 21st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 44 of *The Schools Administration Act*, being chapter ^{s. 44,} 424 of the Revised Statutes of Ontario, 1970, is amended by ^{amended} adding thereto the following subsection:

(2a) Notwithstanding subsection 2, where the contract of employment of an employee of a board has become an obligation of another board by or under any Act, the latter board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the system of sick leave credit gratuities of the first-mentioned board. ^{Where transferred because of change in jurisdiction of board}

2. The said Act is amended by adding thereto the following ^{s. 62,} section: ^{enacted}

62.—(1) Notwithstanding any general or special Act, ^{Disposal of buildings} including *The Metropolitan Separate School Board Act, 1953*, ^{1953, c. 119} a board shall not sell, lease or otherwise dispose of a building or part thereof other than to another board unless, in addition to any other approval that may be required, the board has obtained the approval of the Minister.

(2) Subsection 1 does not apply to the use of a building ^{Exceptions} or part thereof pursuant to an agreement under section 36a or, where a building or part thereof is in use as a school, to the use of the building or part for any purpose that does not interfere with the proper conduct of the school.

3. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
4. This Act may be cited as *The Schools Administration Amend- Short title
ment Act, 1973 (No. 2)*.

CHAPTER 119

**An Act to amend
The Artificial Insemination of Cattle Act**

*Assented to November 21st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Artificial Insemination of Cattle Act*, being ^{Title, re-enacted} chapter 30 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

THE ARTIFICIAL INSEMINATION OF LIVE STOCK ACT

- 2.—(1) Clause *a* of section 1 of the said Act is repealed and the ^{s. 1 (a), re-enacted} following substituted therefor:

(a) “artificial insemination” means the depositing of semen in the genital tract of a domestic female live stock animal by a means other than the natural method.

- (2) Clause *aa* of the said section 1, as enacted by the ^{s. 1 (aa), re-enacted} Statutes of Ontario, 1971, chapter 50, section 9, is repealed and the following substituted therefor:

(aa) “Board” means the Artificial Insemination of Live Stock Licence Review Board established by this Act.

- (3) Clause *c* of the said section 1 is repealed and the ^{s. 1 (c), re-enacted} following substituted therefor:

(c) “Committee” means The Artificial Insemination of Live Stock Advisory Committee.

- (4) Clause *e* of the said section 1 is repealed and the ^{s. 1 (e), re-enacted} following substituted therefor:

(e) “inseminator” means a person who engages in the process of artificial insemination.

s. 1,
amended

- (5) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 9, is further amended by adding thereto the following clause:

(*eb*) "live stock" means cattle, goats, horses, sheep or swine.

s. 1 (*h*),
re-enacted

- (6) Clause *h* of the said section 1 is repealed and the following substituted therefor:

(*h*) "semen-producing business" means a business that maintains one or more live stock animals from which it offers semen for sale for the purpose of artificial insemination;

(*i*) "semen processing supervisor" means a person who is responsible for the supervision of the collection, processing or identification of semen for the purpose of artificial insemination.

s. 3 (1),
re-enacted

3. Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor:

Appoint-
ment of
Committee

(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than three persons to be known as The Artificial Insemination of Live Stock Advisory Committee.

s. 6,
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Licensing

6.—(1) No person shall commence or continue to engage in an inseminating business or a semen-producing business without a licence therefor from the Commissioner.

Only a
corporation
without share
capital
to hold a
licence

(2) No person, other than a corporation without share capital, shall hold a licence to engage in an inseminating business but nothing in this subsection affects a person who held such a licence prior to the day on which this subsection comes into force.

Classifica-
tion of
businesses

- (3) Semen-producing businesses are classified as follows:

1. Class "A" semen-producing businesses consisting of semen-producing businesses that are corporations without share capital.
2. Class "B" semen-producing businesses consisting of semen-producing businesses that are not corporations without share capital.

(4) All semen from every semen-producing business shall ^{Collection of semen} be collected, identified and processed only under the supervision of semen processing supervisors who are in the employ and under the direction of a Class "A" semen-producing business.

(5) Every Class "A" semen-producing business shall on ^{Provision of services} request provide services to any Class "B" semen-producing business on such terms and conditions as are reasonable having regard to all of the circumstances, unless the Class "B" semen-producing business is in default in respect of any account for the services of semen processing supervisors.

5. Section 7 of the said Act is repealed and the following ^{s. 7, re-enacted} substituted therefor:

7. No person shall commence or continue to act as an ^{Idem} inseminator or semen processing supervisor without a licence therefor from the Commissioner.

6. Subsection 1 of section 9^d of the said Act, as enacted by ^{s. 9^d (1), amended} the Statutes of Ontario, 1971, chapter 50, section 9, is amended by striking out "Cattle" in the second line and inserting in lieu thereof "Live Stock".

7. Section 10 of the said Act is repealed and the following ^{s. 10, re-enacted} substituted therefor:

10.—(1) No person shall sell or offer for sale any semen ^{Semen to be obtained from licensed producer} produced in Ontario from any male live stock animal unless the semen has been collected, identified and processed by a person licensed to engage in a semen-producing business under section 6.

(2) No person shall sell or offer for sale semen produced ^{Sale of semen} outside Ontario from any male live stock animal other than a person licensed to engage in an inseminating business under section 6.

8.—(1) Section 11 of the said Act is amended by adding ^{s. 11, amended} thereto the following clauses:

(ba) prescribing grounds for the refusal to renew, suspension or cancellation of licences in addition to those grounds referred to in clauses *a* and *b* of subsection 2 of section 9^a;

(*da*) requiring every semen-producing business to conduct such programs for the proving of the breeding value of any male live stock animals as the Commissioner may approve, and prohibiting use of semen from male live stock animals that have not taken part in any such program that is required or that have taken part in such a program but have not met the standards approved by the the Commissioner for the program.

s. 11 (*g, k, l*),
re-enacted

(2) Clauses *g*, *k* and *l* of the said section 11 are repealed and the following substituted therefor:

(*g*) prescribing the qualification and duties of inseminators and semen processing supervisors;

.

(*k*) providing for the blood-typing of male live stock animals maintained by a semen-producing business and of male live stock animals from which semen is obtained by a semen-producing business;

(*l*) providing for the verification of parentage of male live stock animals by blood-typing;

(*la*) prescribing health standards of male live stock animals maintained by a semen-producing business and male live stock animals from which semen is obtained by a semen-producing business.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Artificial Insemination of Cattle Amendment Act, 1973*.

CHAPTER 120

An Act to amend The Registry Act

*Assented to November 21st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 86 of *The Registry Act*, being <sup>s. 86 (4),
amended</sup> chapter 409 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 33, is amended by striking out "Minister under that Act" in the fifth and sixth lines and inserting in lieu thereof "Minister of Housing".
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Registry Amendment Act, 1973*. ^{Short title}

CHAPTER 121

An Act to amend The Condominium Act

*Assented to November 21st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 24 of *The Condominium Act*, being ^{s. 24 (2),} amended chapter 77 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 7, section 1, is amended by striking out "Minister of Municipal Affairs" in the fifth and sixth lines and inserting in lieu thereof "Minister of Housing".
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment
3. This Act may be cited as *The Condominium Amendment* ^{Short title} Act, 1973.

CHAPTER 122

**An Act to provide Assistance
to Ontario Pensioners**

*Assented to November 29th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act, "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. Interpre-
tation
- 2.** In each year, including the year 1973, the Treasurer shall pay the sum of \$50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Treasurer, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). Assistance
to certain
pensioners

R.S.C. 1970,
c. O-6
- 3.** The Treasurer may make regulations, Regu-
lations
 - (a) prescribing the date or dates for the purposes of section 2;
 - (b) generally for the administration of this Act.
- 4.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1974, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys
- 5.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 6.** This Act may be cited as *The Ontario Pensioners Assistance Act, 1973*. Short title

CHAPTER 123

An Act to amend The Private Hospitals Act

*Assented to November 29th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Private Hospitals Act*, being ^{s. 1 (b),} chapter 361 of the Revised Statutes of Ontario, 1970, is ^{repealed} repealed.
- (2) The said section 1 is amended by adding thereto the ^{s. 1,} following subsection: ^{amended}
- (2) A reference in this Act to the Commission shall be ^{References to} deemed to be a reference to the Minister. ^{Commission}
2. Section 3 of the said Act is repealed and the following sub- ^{s. 3,} stituted therefor: ^{re-enacted}
- 3.—(1) No person shall use a house as a private hospital ^{Licence} except under the authority of a licence issued under this ^{required to} Act before the 29th day of October, 1973, or a renewal of ^{operate} such a licence. ^{private} ^{hospital}
- (2) Where a house is used as a private hospital in con- ^{Offence} travention of subsection 1, the occupier and each person concerned in the management or operation of the house or in the admission thereto or treatment therein of any patient are severally guilty of an offence and on summary conviction are each liable to a fine of not less than \$100 and not more than \$500 for each day upon which such contravention occurs or continues.
- 3.—(1) Subsection 1 of section 5 of the said Act is repealed. ^{s. 5 (1),} ^{repealed}
- (2) Subsection 2 of the said section 5 is amended by striking ^{s. 5 (2),} out “until it has first received the approval of the Com- ^{amended} mission” in the third and fourth lines.

s. 5 (3, 4),
repealed

(3) Subsections 3 and 4 of the said section 5 are repealed.

s. 6,
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Proceedings
to prohibit
continuation
or repetition
of contraven-
tion

6.—(1) Where subsection 1 of section 3 or section 18 is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention and the judge may make the order and, where the judge considers it proper, may postpone the operation of the order for a period of not more than thirty days after the day of the making of the order to permit patients in the house to find alternative accommodation and vacate the premises, and the order may be enforced in the same manner as any other order or judgment of the Supreme Court.

Rescission or
variation of
order

(2) Any person against whom an order has been made under subsection 1 may apply to a judge of the Supreme Court for an order varying or rescinding the order.

s. 9,
re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

Transfer
of licence

9. A licence under this Act is transferable only where the proposed transferee obtains the prior written consent of the Minister to the transfer, but the Minister shall not grant his consent to the transfer until he is satisfied by such evidence as he may require as to the good character and the fitness of the transferee to manage and operate the private hospital.

s. 11 (1) (a),
amended

6. Clause *a* of subsection 1 of section 11 of the said Act is amended by striking out “by complying with sections 5 and 6” in the second and third lines and inserting in lieu thereof “but the Minister shall not grant his consent to the transfer until he is satisfied by such evidence as he may require as to the good character and the fitness of the transferee to manage and operate the private hospital”.

ss. 12a-12d,
enacted

7. The said Act is amended by adding thereto the following sections:

Refusal
to renew
or consent
to transfer
or revocation

12a.—(1) Where the Minister proposes to refuse to renew or consent to the transfer of a licence or proposes to revoke

a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the licensee.

(2) A notice under subsection 1 shall inform the licensee that he is entitled to a hearing by the Health Facilities Appeal Board established under *The Ambulance Act* if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Board and he may so require such a hearing.

Notice
requiring
hearing
R.S.O. 1970,
c. 20

(3) Where a licensee does not require a hearing by the Health Facilities Appeal Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

Powers of
Minister
where no
hearing

(4) Where a licensee requires a hearing by the Health Facilities Appeal Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Minister at the hearing, may by order direct the Minister to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Minister ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Minister.

Powers of
Board where
hearing

(5) The Health Facilities Appeal Board may extend the time for the giving of notice requiring a hearing by a licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension.

Extension
of time for
requiring
hearing

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

Continuation
of licence
pending
renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

Parties

12b.—(1) The Minister or licensee who has required the hearing and such other persons as the Health Facilities Appeal Board may specify are parties to proceedings before the Board under this Act.

Notice of hearing

(2) Notice of a hearing under section 12a shall afford the licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the renewal, retention or transfer of the licence.

Examination of documentary evidence

(3) A licensee who is a party to proceedings under subsection 1 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Health Facilities Appeal Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of documentary evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

12c.—(1) Any party to the proceedings before the Health Facilities Appeal Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Minister to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Minister or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

12d. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. Service of notice

8. Section 18 of the said Act is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) No person shall construct, add to or enlarge the patient bed capacity of any house that is or that is intended to be used as a private hospital. Construction, addition or enlargement prohibited

(2) No person shall alter or renovate a house that is used as a private hospital unless he has first obtained the approval in writing of the Minister for the alteration or renovation. Alteration or renovation

(3) The Minister may require an applicant for an approval under subsection 2 to submit to the Minister any plans, specifications and other information related to the alteration or renovation and, subject to subsection 4, the Minister may issue his approval in writing for the alteration or renovation. Minister may require material

Where Minister may refuse approval or impose terms and conditions

(4) The Minister may refuse to issue an approval under subsection 2 where he considers that it is not in the public interest to issue the approval or may issue his approval subject to such terms and conditions as he considers are in the public interest.

Matters to be considered by Minister

(5) In considering whether it is in the public interest under subsection 4 to refuse to issue an approval or to issue an approval subject to terms and conditions, the Minister shall take into account,

- (a) whether the proposed alteration or renovation will or will likely be prejudicial to the health, safety or welfare of the patients who are receiving or are likely to receive services or treatment in the private hospital; and
- (b) whether the proposed alteration or renovation will or will likely result in a contravention of this Act or the regulations or of any other Act or regulation that applies to a private hospital or of any municipal by-law related to the proposed alteration or renovation.

Number of patients not to be increased

(6) The number of patients that is permitted by the licence issued under this Act in respect of a private hospital shall not be increased as the result of any alteration or renovation of the house that is used as the private hospital.

Commence-ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Private Hospitals Amendment Act, 1973*.

CHAPTER 124

An Act to amend The Insurance Act

*Assented to November 29th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Insurance Act*, being chapter <sup>s. 14 (1),
amended</sup> 224 of the Revised Statutes of Ontario, 1970, is amended by striking out "that comes within the terms of sections 97 and 146" in the fifth line.
2. Paragraph 1 of subsection 1 of section 25 of the said Act <sup>s. 25 (1), par. 1,
amended</sup> is amended by adding at the end thereof "and such contract made outside Ontario shall be deemed to include the benefits set forth in Schedule E".
3. Subsection 2 of section 28 of the said Act, as amended by <sup>s. 28 (2),
amended</sup> the Statutes of Ontario, 1971, chapter 84, section 3, is further amended by striking out "subscribed and allotted capital stock" in the eleventh line and inserting in lieu thereof "paid up capital and surplus".
4. Section 30 of the said Act, as amended by the Statutes of <sup>s. 30,
amended</sup> Ontario, 1972, chapter 66, section 3, is further amended by adding thereto the following subsection:

(3) When the Superintendent considers it necessary to <sup>Paying
cost of
examination</sup> conduct an examination of the affairs of an applicant for a licence, the applicant shall pay the costs of the examination upon receiving a statement thereof certified by the Superintendent.
5. The said Act is amended by adding thereto the followings <sup>s. 30a,
enacted</sup> section:

30a. Every licensed insurer shall file in the office of the Superintendent certified copies of every amendment, revision <sup>Filing of
changes in
by-laws, etc.</sup> or consolidation of its Act or other instrument of incorporation or association and of its constitution, by-laws and

regulations verified in a manner satisfactory to the Superintendent within thirty days after the passing or adoption of the amendment, revision or consolidation.

s. 32,
amended

6. Section 32 of the said Act is amended by adding thereto the following subsection:

Name of
insurer

(2) The Minister may refuse to license an insurer where the name of the insurer is,

(a) the same as or similar to the name of another insurer and the assumption or use of the name in Ontario would be likely to deceive or mislead the public; or

(b) if the name of the insurer is objectionable on any public grounds.

s. 32a (1),
re-enacted

7. Subsection 1 of section 32a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 66, section 4, is repealed and the following substituted therefor:

Power of
attorney of
chief agent

(1) Every licensed insurer that has its head office outside Ontario shall file with the Superintendent an executed copy of a power of attorney from the insurer to a chief agent resident in Ontario.

s. 84 (7),
amended

8. Subsection 7 of section 84 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 84, section 4, is further amended by striking out "insured" in the amendment of 1971 and inserting in lieu thereof "insurer".

s. 85 (1),
amended

- 9.—(1) Subsection 1 of section 85 of the said Act is amended by inserting after "a" where it occurs the second time in the fourth line "provision in a".

s. 85 (8) (b),
re-enacted

- (2) Clause b of subsection 8 of the said section 85 is repealed and the following substituted therefor:

(b) prescribing the form, content, time of filing and delivery of information folders and the persons to whom information folders shall be delivered.

s. 86a,
enacted

10. The said Act is further amended by adding thereto the following section:

Distribution
of part of
profits to
participating
policyholders

86a.—(1) The directors of an insurer incorporated and licensed under the laws of Ontario to transact the business of life insurance as a joint stock insurance company may from time to time set apart such portion of the net profits

as they consider safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies ascertaining the part thereof that has been derived from participating policies and distinguishing that part from the profits derived from other sources.

(2) Notwithstanding anything to the contrary in any ^{Idem} letters patent of incorporation or contract, the holders of participating policies are entitled to share in that portion of the profits that has been distinguished as having been derived from participating policies (including a share of the profits arising from the sale of securities in the proportion of the mean participating fund to the mean total funds) to the extent of at least 90 per cent thereof in any year.

(3) In fixing or arriving at the amount of divisible profits, there may be included interest on the amount of the unimpaired paid up capital stock and on any other sum or sums from time to time standing to the credit of the shareholders after deducting any amounts expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and such interest may be allowed or credited to the shareholders at the average net rate of interest earned in the preceding year or other period under consideration upon the mean total funds of the company, but the shareholders are to be charged with a fair proportion of all losses incurred upon investments or other losses of a similar character in the proportion of the mean shareholders' funds to the mean total funds. ^{Interest on unimpaired paid up capital stock}

(4) This section does not interfere with the rights of the participating policyholders of an insurer referred to in subsection 1 to share in the profits realized from the non-participating branch of its business in any case to which the policyholders are so entitled. ^{Rights of participating policyholders}

11. Subsections 1 and 3 of section 94 of the said Act are repealed ^{s. 94 (1, 3), re-enacted} and the following substituted therefor:

(1) Unless otherwise provided, every person who, knowingly, ^{General penalty}

(a) furnishes false information in any application under this Act or in any statement, return or answer required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of an insurer who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(1a) Where an insurer is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the insurer is \$25,000 and not as provided therein.

Penalty for carrying on business without a licence

(3) Every person who,

(a) undertakes insurance or carries on business as an insurer in Ontario;

(b) acts on behalf of an insurer in Ontario; or

(c) does or performs any one or more of the acts constituting the business of insurance,

in relation to any class of insurance without being licensed for that class, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

s. 95 (1, 2), repealed

12.—(1) Subsections 1 and 2 of section 95 of the said Act are repealed.

s. 95 (3) (a), re-enacted

(2) Clause *a* of subsection 3 of the said section 95 is repealed and the following substituted therefor:

(a) requiring the payment of fees for licences and renewals of licences and in respect of any function performed by the Superintendent under this Act and prescribing the amounts thereof.

s. 95 (3), amended

(3) Subsection 3 of the said section 95, as amended by the Statutes of Ontario, 1971, chapter 84, section 5, is further amended by adding thereto the following clause:

(da) governing the advertising of insurance contracts or any class thereof including prescribing and regulating the form and content of advertisements and requiring their filing.

s. 140 (4), amended

13.—(1) Subsection 4 of section 140 of the said Act is amended by striking out “subsection 1” in the second line and inserting in lieu thereof “subsections 1 and 5”.

- (2) Subsection 5 of the said section 140, as amended by the s. 140 (5),
amended Statutes of Ontario, 1971, chapter 84, section 8, is further amended by inserting at the commencement thereof "Subject to subsection 4".

14. Clause *a* of section 216 of the said Act is repealed. s. 216 (a),
repealed

15. The said Act is further amended by adding thereto the s. 245a,
enacted following section:

245a. Where a contract of accident insurance or sickness Confinement
clauses
void insurance issued after the 2nd day of November, 1973 includes a provision that a benefit is payable to an insured on account of his disability and the provision is conditional on the confinement of the insured, the condition does not bind the insured.

16. The said Act is further amended by adding thereto the s. 246a,
enacted following section:

246a.—(1) Where a contract of group accident and sickness Continuation
of accident
and sickness
insurance
where
contract
terminated insurance, or a benefit provision therein, is terminated, the insurer continues to be liable to pay to or in respect of any group person insured under the contract benefits under the contract relating to,

(a) loss of income because of disability; or

(b) death; or

(c) dismemberment,

arising from an accident or sickness that occurred before the termination of the contract or benefit provision as though the contract or benefit provision had remained in full force and effect; but the insurer is not liable to pay a benefit for loss of income because of disability in respect of the recurrence of disability arising from an accident or sickness that occurred before the termination of the contract or benefit provision if the recurrence occurs after the termination of the contract or benefit provision and after a period of ninety days, or such longer period as is provided in the contract, during which the group person insured was not disabled.

(2) Where a contract of group accident and sickness Preservation
of rights
where
contract
replaced insurance (herein referred to as the "replacing contract") is entered into within thirty-one days of the termination of another contract of group accident and sickness insurance

(herein referred to as the "other contract") and insures the same group or a part of the group insured under the other contract,

- (a) the replacing contract shall provide or shall be deemed to provide that any person who was insured under the other contract at the time of its termination is insured under the replacing contract from and after the termination of the other contract if,
 - (i) the insurance on that person under the other contract terminated solely by reason of the termination of the other contract, and
 - (ii) the person is a member of a class eligible for insurance under the replacing contract;
- (b) every person who was insured under the other contract and who is insured under the replacing contract is entitled to receive credit for satisfaction of any deductible earned before the effective date of the replacing contract; and
- (c) no person who was insured under the other contract shall be excluded from eligibility under the replacing contract solely because of not being actively at work on the effective date of the replacing contract.

s. 295 (5),
amended

- 17.** Subsection 5 of section 295 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 42, is further amended by striking out "and a copy thereof so certified by the Superintendent shall be filed by him in the office of the Minister" in the tenth, eleventh and twelfth lines and in the amendment of 1972.

s. 321 (1) (c),
amended

- 18.** Clause *c* of subsection 1 of section 321 of the said Act is amended by striking out "\$300" in the second line and inserting in lieu thereof "\$800".

s. 340,
re-enacted

- 19.** Section 340 of the said Act is repealed and the following substituted therefor:

Annual
tax

340. The attorney for a licensed exchange shall, on or before the 1st day of March in each year, pay to the Treasurer of Ontario an annual tax in respect of all premiums or deposits collected by the exchange of an amount equal to and calculated in the same manner as under section 143 of *The Corporations Tax Act, 1972* if such premiums or deposits

had been received by a licensed insurer, and payment thereof shall accompany the annual statement filed with the Superintendent.

- 20.** Section 355 of the said Act is amended by adding thereto the following subsection: s. 355, amended

(2) An agent or broker who acts in negotiating or renewing or continuing a contract of insurance with a licensed insurer, and who receives any money or substitute for money for payment to a person in respect of the contract of insurance shall be deemed to hold such money in trust for the person entitled thereto, and, if he fails to pay the money over to such person within fifteen days after written demand made upon him therefor, less his commission and any deductions to which he is entitled, such failure is *prima facie* evidence that he has used or applied the money for a purpose other than paying it over to the person entitled. Agent to be deemed to hold money in trust for payee under policy

- 21.** Schedule A to the said Act, as amended by the Statutes of Ontario, 1972, chapter 66, section 16, is repealed. Sched. A, repealed

- 22.**—(1) This Act, except sections 14 and 21, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 14 and 21 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

- 23.** This Act may be cited as *The Insurance Amendment Act, 1973*. Short title

CHAPTER 125

**An Act to amend
The Development Corporations Act, 1973**

*Assented to November 29th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Development Corporations Act, 1973*, being chapter 84, is amended by striking out “thirteen” in the second line and inserting in lieu thereof “fifteen”. s. 2 (1),
amended
2. Subsection 1 of section 12 of the said Act is amended by striking out “8” in the second line and inserting in lieu thereof “11”. s. 12 (1),
amended
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment
4. This Act may be cited as *The Development Corporations Amendment Act, 1973*. Short title

CHAPTER 126

An Act to amend The Pharmacy Act

*Assented to November 29th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Pharmacy Act*, being chapter 348 of the Revised Statutes of Ontario, 1970, is repealed^{s. 22 (1), re-enacted} and the following substituted therefor:
 - (1) There is payable to the registrar for the use of the^{Fees} College on such date in each year as is fixed by by-law such annual fees as the regulations prescribe,
 - (a) by every pharmaceutical chemist under sixty-five years of age;
 - (b) by every pharmaceutical chemist sixty-five years of age or over; and
 - (c) for each pharmacy, by the person or corporation that operates the pharmacy.
2. Section 26 of the said Act is amended by adding thereto^{s. 26, amended} the following clause:
 - (i) providing for a program of continuing education of pharmaceutical chemists to maintain the standard of competence of pharmaceutical chemists and requiring pharmaceutical chemists to participate in such continuing education.
3. Section 31 of the said Act is repealed and the following^{s. 31, re-enacted} substituted therefor:

31.—(1) The Council, subject to the approval of the<sup>Accredita-
tion</sup> Lieutenant Governor in Council, may make regulations^{standards} prescribing standards for the accreditation of pharmacies including standards for the maintenance, operation, space, equipment and facilities of pharmacies.

Certifica-
tion of
accreditation

(2) No person shall establish or operate a pharmacy unless a certificate of accreditation has been issued in respect thereof.

Issuance

(3) The registrar shall issue a certificate of accreditation and renewals thereof to any applicant therefor where the applicant and the pharmacy and its proposed operation qualify under this Act and the regulations.

Application
of
subsection 2

(4) Subsection 2 does not apply to a pharmacy being operated on the day section 3 of *The Pharmacy Amendment Act, 1973* comes into force until the expiration of three months thereafter.

Notice of
proposal
to refuse

31a.—(1) Where the registrar proposes to refuse to issue or renew an accreditation certificate, he shall serve notice of his proposal, together with written reasons therefor, on the applicant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant that he is entitled to a hearing by the Infringement Committee established under the by-laws of the College if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the registrar and the Committee and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant does not require a hearing by the Infringement Committee in accordance with subsection 2, the registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Committee
where
hearing

(4) Where an applicant requires a hearing by the Infringement Committee in accordance with subsection 2, the Committee shall appoint a time for and hold the hearing and, on the application of the registrar at the hearing, may by order direct the registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Committee considers the registrar ought to take in accordance with this Act and the regulations, and for such purposes the Committee may substitute its opinion for that of the registrar.

Extension
of time for
requiring
hearing

(5) The Infringement Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Committee may give such

directions as it considers proper consequent upon the extension.

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of his accreditation certificate, a person has applied for the renewal of the accreditation certificate and paid the prescribed fee, the accreditation certificate shall be deemed to continue, Continuation of accreditation pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Infringement Committee has expired and, where a hearing is required, until the Committee has made its decision.

31b.—(1) The registrar, the applicant who has required the hearing and such other persons as the Infringement Committee may specify are parties to proceedings before the Committee under this Act. Parties

(2) Notice of a hearing under section 31a shall afford the applicant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or renewal of the accreditation certificate. Notice of hearing

(3) An applicant who is a party to proceedings under subsection 1 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) Members of the Infringement Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(5) The oral evidence taken before the Infringement Committee at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

Findings
of fact

(6) The findings of fact of the Infringement Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members at
hearing to
participate
in decision

(7) No member of the Infringement Committee shall participate in a decision of the Committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Committee shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

31c.—(1) Any party to the proceedings before the Infringement Committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where any party appeals from a decision or order of the Infringement Committee, the Committee shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Committee's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Infringement Committee and may exercise all powers of the Committee to direct the registrar to take any action which the Committee may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the registrar or of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of
notice

31d. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

4. Section 32 of the said Act is amended by adding thereto the following subsection: s. 32, amended

(8) The discipline committee may suspend or cancel the accreditation of any pharmacy if it finds after a hearing that the provisions of this Act or the regulations with respect to accreditation are not complied with, and subsections 2, 3, 5, 6 and 7 of this section and subsections 1 and 2 of section 33 shall apply *mutatis mutandis* thereto. Cancellation or suspension of accreditation

5. Section 34 of the said Act is repealed and the following substituted therefor: s. 34, re-enacted

34. Where,

- (a) a pharmaceutical chemist has not paid any annual fee as required by clause *a* or *b* of subsection 1 of section 22; or Cancellation of registration or accreditation for failure to pay fees
- (b) a person or corporation has not paid any annual fee as required by clause *c* of subsection 1 of section 22,

the registrar shall give the pharmaceutical chemist, person or corporation notice of such default and, if the default continues for sixty days after such notice, the Council may direct,

- (c) in the case of the non-payment of an annual fee referred to in the said clause *a* or *b*, that the registration of the pharmaceutical chemist be cancelled; or
- (d) in the case of the non-payment of an annual fee referred to in the said clause *c*, that the accreditation of the pharmacy in respect of which the default continues be cancelled,

and the registrar shall note such cancellation in the register or in the accreditation records, as the case requires, and any certificate of such registration or accreditation issued under this Act is thereby cancelled.

6. Subsection 2 of section 42 of the said Act is repealed. s. 42 (2), repealed
7. This Act comes into force on the day it receives Royal Assent. Commencement
8. This Act may be cited as *The Pharmacy Amendment Act*, 1973. Short title

CHAPTER 127

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

*Assented to November 29th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 11 of *The City of Timmins-Porcupine Act, 1972*, being chapter 117, is repealed and the following substituted therefor:

(3) Notwithstanding subsection 1, the official plans in effect in the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall continue in effect but may be amended or repealed by the council of the City under *The Planning Act*. s. 11 (3), re-enacted
Official plans in effect
R.S.O. 1970, c. 349

2. Section 27 of the said Act is repealed and the following substituted therefor:

27. The by-laws of the Town of Timmins and the by-laws of the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall remain in force in the areas of the former municipalities but may be amended or repealed by the council of the City. By-laws remain in force

3. This Act shall be deemed to have come into force on the 1st day of January, 1973. Commencement
4. This Act may be cited as *The City of Timmins-Porcupine Amendment Act, 1973*. Short title

CHAPTER 128

An Act to amend The Loan and Trust Corporations Act

*Assented to November 29th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 101, section 1, is further amended by inserting after “*Act*” in the amendment of 1972 “a company referred to in clause *f* of section 152 or clause *g* of section 155 and that is controlled by a loan corporation or a trust corporation in accordance with the regulations”^{s. 1 (h), amended}.
2. Subsection 3 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 2, is amended by striking out “65, except sections 24, 26” and inserting in lieu thereof “65b, except sections” in the first line.^{s. 2 (3), amended}
3. Subsection 1 of section 8 of the said Act is amended by striking out “twenty-five” in the fourth line and inserting in lieu thereof “five”.^{s. 8 (1), amended}
- 4.—(1) Subsection 3 of section 9 of the said Act is amended by striking out “twenty-five” in the second and third lines and inserting in lieu thereof “five”.^{s. 9 (3), amended}
 - (2) The said section 9 is amended by adding thereto the following subsection:^{s. 9, amended}
 - (4) Shares without par value shall not be allotted or issued except for such consideration as the by-laws provide.^{Consideration for no par value shares}
5. The said Act is amended by adding thereto the following sections:^{ss. 17a-17h, enacted}
 - 17a.—(1) A loan corporation incorporated and registered under this Act may apply by petition to the Lieutenant Governor in Council for an order designating it as a mortgage investment company.^{Mortgage investment company}

investment company for the purpose of carrying on business as a mortgage investment corporation within the meaning of the *Income Tax Act* (Canada) and such order may be made subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

1970-71, c. 63
(Can.)

Not to take
deposits

(2) Notwithstanding section 78, a loan corporation that is designated as a mortgage investment company shall not borrow money on deposit.

Business
confined

(3) A loan corporation that is designated as a mortgage investment company shall carry on its undertaking in Ontario and the other provinces and territories of Canada only.

By-laws must
conform

(4) A loan corporation that is designated as a mortgage investment company shall not commence business as a mortgage investment company until its by-laws have been amended to conform to the terms and conditions prescribed, the provisions of sections 17*b* to 17*f*, and the regulations and such by-laws have been filed with and approved by the Registrar.

Amendment
of
registration

(5) Upon the making of the order under subsection 1 and the amendment and approval of the by-laws under subsection 3, the Registrar shall amend the registration of the loan corporation kept under clause *a* of subsection 1 of section 120 and subsection 1 of section 135.

Investments

17*b*.—(1) Notwithstanding sections 150 and 151 and subject to subsection 2, a loan corporation designated as a mortgage investment company shall have and maintain at least 50 per cent of the book value of its assets in one or more of the following forms,

1973, c. 49.

- (a) investments in mortgages or hypothecs on residential property as defined in the *Residential Mortgage Financing Act* (Canada) or loans on the security of such property; and
- (b) cash on hand or on deposit in a bank or other depository approved by the Registrar.

Idem

- (2) The total of,
 - (a) the book value of the investments of a mortgage investment company in shares of the capital stock of companies at least 85 per cent of whose assets are in the form of residential property as defined in the *Residential Mortgage Financing Act* (Canada); and

- (b) the book value of the investments of a mortgage investment company in real estate or leaseholds before deducting the amount of any charges or liens thereon but excluding real estate or leaseholds acquired by the company by foreclosure or otherwise after default made on a mortgage, hypothec or agreement of sale in respect thereof,

shall not exceed 25 per cent of the book value of its total assets.

17c.—(1) Notwithstanding sections 150 and 151, a loan corporation designated as a mortgage investment company may invest its funds in real estate or leaseholds in Canada for the production of income, either alone or jointly with any corporation incorporated in Canada or any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada), if,

Investment
in real estate
or leaseholds

1970-71, c. 63
(Can.)

- (a) a lease of the real estate or leasehold is made to, or guaranteed by,
- (i) the government, or an agency of the government, of the province in which the real estate or leasehold is situated, a municipality in that province or an agency of such municipality, or
- (ii) a corporation, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *l* or *m* of subsection 1 of section 150; and
- (b) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the company in the real estate or leasehold within the period of the lease, but not exceeding thirty years from the date of investment,

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

(2) A loan corporation designated as a mortgage investment company may invest its funds in real estate or leaseholds in Canada for the production of income, either alone or jointly with any corporation incorporated in Canada or

1970-71, c. 63
(Can.)

any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada), if the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and the company may hold, maintain, improve, repair, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

Application
of s. 150 (1)
(n, o)

(3) Clauses *n* and *o* of subsection 1 of section 150 do not apply in respect of a corporation to which this section applies.

Other
investments
"basket
clause"

17*d*.—(1) A loan corporation designated as a mortgage investment company may, subject to this section, make investments and loans not authorized by sections 17*b*, 17*c* and 150, including investments in real estate or leaseholds.

Production
of income

(2) Investments in real estate or leaseholds in Canada made under subsection 1 shall be made only for the production of income, and may be made either alone or jointly with any corporation incorporated in Canada or any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada); and the company may hold, maintain, improve, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds.

Saving

(3) This section shall be deemed not to,

- (a) enlarge the authority conferred by section 150 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds; or
- (b) affect the operation of section 157 with reference to the maximum proportion of common shares and total shares of any corporation that may be purchased.

Limit

(4) Section 151 does not apply in respect of a company to which subsection 1 applies but the total value of the investments made under subsection 1 and held by the company, excluding those that are or at any time since acquisi-

tion have been authorized as investments apart from that subsection, shall not exceed 7 per cent of the book value of the total assets of the company.

17e.—(1) Notwithstanding section 83, the aggregate of the sums of money borrowed by a loan corporation designated as a mortgage investment company and outstanding shall not at any time exceed five times the excess of the book value of the assets of the company over its liabilities, but if at any particular time the book value of the assets of the company in the form of,

<sup>Borrowing
powers
limited</sup>

- (a) investments in mortgages or hypothecs on residential property as defined in the *Residential Mortgage Financing Act* (Canada) or loans on the security of such property; and
- (b) cash on hand or on deposit in a bank or other depository approved by the Superintendent of Insurance,

<sup>1973, c. 49,
(Can.)</sup>

are less than two-thirds of the book value of the assets of the company, the aggregate of the sums of money borrowed by the company and outstanding shall not at that time exceed three times the excess of the book value of the assets of the company over its liabilities.

(2) For the purpose of subsection 1, the principal amount of any charges or liens on the real estate or leaseholds remaining unpaid shall be included in the computation of the sums of money borrowed by the corporation.

<sup>Computing
sums
borrowed</sup>

17f.—(1) A loan corporation designated as a mortgage investment company shall so manage its affairs that the aggregate of,

<sup>Liquidity
level</sup>

- (a) all repayments of principal on mortgages or hypothecs held by it and reasonably expected to be received within the year;
- (b) amounts maturing on its other investments within the year;
- (c) such amount of credit from chartered banks in Canada as is acquired in accordance with conditions imposed by the Superintendent of Insurance; and
- (d) cash on hand or on deposit in a bank or other depository approved by the Superintendent of Insurance,

shall at all times be equal to or in excess of the aggregate of the sum of all mortgage commitments made by it and falling due within the year and the amount of all debt instruments issued by it and maturing within the year.

Meaning of
"within the
year"

(2) In this section, the expression "within the year" means the twelve-month period following the month in which the calculation is made.

Shares are
eligible
investment
R.S.O. 1970,
c. 224

17g. Notwithstanding any provision of *The Insurance Act* or this Act, the shares, debentures and other evidences of indebtedness of a mortgage investment company are an eligible investment for the funds of insurance companies, trust companies and other loan companies governed respectively by those Acts, subject to the provisions of the Acts governing those companies respecting,

- (a) the proportion of the funds of those companies that may be invested at any one time in the common shares of corporations; and
- (b) the proportion of the shares of any corporation that may be purchased by those companies.

Regulations

17h. The Lieutenant Governor in Council may make regulations with respect to loan corporations designated as mortgage investment companies,

- (a) prescribing limitations on their dealings with companies providing investment advice or management services;
- (b) prescribing limitations and restrictions with respect to their purchase or acquisition of assets from or sale of assets to their directors, officers or shareholders;
- (c) providing for their redesignation as loan corporations.

s. 24,
re-enacted

6. Section 24 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

24. In this section and in sections 24b to 24g,

- (a) "Commission" means the Ontario Securities Commission;
- (b) "company" means a body corporate, including a corporation to which this Act applies;
- (c) "form of proxy" means a written or printed form that, upon completion and execution by or on behalf of a shareholder, becomes a proxy;

(d) “information circular” means the circular referred to in subsection 1 of section 24c;

(e) “proxy” means a completed and executed form of proxy by means of which a shareholder has appointed a person as his nominee to attend and act for him and on his behalf at a meeting of shareholders;

(f) “solicit” and “solicitation” include,

(i) any request for a proxy whether or not accompanied by or included in a form of proxy,

(ii) any request to execute or not to execute a form of proxy or to revoke a proxy,

(iii) the sending or delivery of a form of proxy or other communication to a shareholder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy, and

(iv) the sending or delivery of a form of proxy to a shareholder pursuant to section 24b,

but do not include,

(v) the sending or delivery of a form of proxy to a shareholder in response to an unsolicited request made by him or on his behalf, or

(vi) the performance by any person of ministerial acts or professional services on behalf of a person soliciting a proxy.

24a.—(1) Every shareholder of a corporation, including a ^{Proxies} shareholder that is a company, entitled to vote at a meeting of shareholders may by means of a proxy appoint a person, who need not be a shareholder, as his nominee to attend and act at the meeting in the manner, to the extent and with the power conferred by the proxy.

(2) A proxy shall be executed by the shareholder or his ^{Execution and} attorney authorized in writing or, if the shareholder is a com-^{termination}pany, under its corporate seal or by an officer or attorney thereof duly authorized, and ceases to be valid one year from its date.

(3) In addition to the requirements, where applicable, of ^{Contents} section 24e, a proxy shall contain the date thereof and the

appointment and name of the nominee and may contain a revocation of a former proxy and restrictions, limitations or instructions as to the manner in which the shares in respect of which the proxy is given are to be voted or that may be necessary to comply with the laws of any jurisdiction in which the shares of the provincial corporation are listed on a stock exchange or a restriction or limitation as to the number of shares in respect of which the proxy is given.

Revocation

(4) In addition to revocation in any other manner permitted by law, a proxy may be revoked by instrument in writing executed by the shareholder or by his attorney authorized in writing or, if the shareholder is a company, under its corporate seal or by an officer or attorney thereof duly authorized, and deposited either at the head office of the corporation at any time up to and including the last business day preceding the day of the meeting, or any adjournment thereof, at which the proxy is to be used or with the chairman of such meeting on the day of the meeting, or adjournment thereof, and upon either of such deposits the proxy is revoked.

Time limit for deposit

(5) The directors may by resolution fix a time not exceeding forty-eight hours, excluding Saturdays and holidays, preceding any meeting or adjourned meeting of shareholders before which time proxies to be used at that meeting must be deposited with the provincial corporation or an agent thereof, and any period of time so fixed shall be specified in the notice calling the meeting or in the information circular relating thereto.

Mandatory solicitation of proxies

24*b*.—(1) Subject to section 24*d*, the management of a corporation shall, concurrently with or prior to giving notice of a meeting of shareholders of the corporation, send by prepaid mail to each shareholder who is entitled to vote at such meeting at his last address as shown on the books of the corporation a form of proxy for use at such meeting that complies with section 24*e*.

Offence

(2) If the management of a provincial corporation fails to comply with subsection 1, the corporation is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and every director or officer of the corporation who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

Information circular

24*c*.—(1) Subject to subsection 2 and section 24*d*, no person shall solicit proxies unless,

- (a) in the case of a solicitation by or on behalf of the management of a corporation, an information circular, either as an appendix to or as a separate document accompanying the notice of the meeting, is sent by prepaid mail to each shareholder of the corporation whose proxy is solicited at his last address as shown on the books of the corporation; or
- (b) in the case of any other solicitation, the person making the solicitation, concurrently with or prior thereto, delivers or sends an information circular to each shareholder of the corporation whose proxy is solicited.

(2) Subsection 1 does not apply to,

Where
subs. 1
does not
apply

- (a) any solicitation, otherwise than by or on behalf of the management of a corporation, where the total number of shareholders whose proxies are solicited is not more than fifteen, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder;
- (b) any solicitation by a person made under section 80 of *The Securities Act*; and
- (c) any solicitation by a person in respect of shares of which he is the beneficial owner.

R.S.O. 1970,
c. 426

(3) A person who fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a corporation, every director or officer of such corporation who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

Offence

(4) A person who effects a solicitation that is subject to this section by means of a form of proxy, information circular or other communication that contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a like fine.

Idem

(5) No person is guilty of an offence under subsection 4 in respect of any untrue statement of a material fact or omission

Saving

to state a material fact in a form of proxy or information circular, if the untruth of such statement or the fact of such omission was not known to the person who effected the solicitation and in the exercise of reasonable diligence could not have been known to such person.

Where
s. 24*b* and
s. 24*c* (1)
do not apply

24*d*.—(1) Section 24*b* and subsection 1 of section 24*c* do not apply to a corporation that has fewer than fifteen shareholders, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder.

Exemption
orders

(2) Upon the application of any interested person, the Commission may, if satisfied that in the circumstances of the particular case there is adequate justification for so doing, make an order, on such terms and conditions as seem to the Commission to be just and expedient, exempting any person from the requirements, in whole or in part, of section 24*b* or of subsection 1 of section 24*c*.

Hearing of
Commission
R.S.O. 1970,
c. 426

(3) Section 5 of *The Securities Act* applies, so far as possible, to hearings of the Commission under this section.

Appeal
from
Commission

(4) Any person who feels aggrieved by a decision of the Commission under this section may appeal the decision to the Supreme Court, and subsections 2 to 6 of section 29 of *The Securities Act* apply to the appeal.

Special form
of proxy

24*e*. Where section 24*b* or 24*c* is applicable to a solicitation of proxies,

(*a*) the form of proxy sent to a shareholder by a person soliciting proxies,

(i) shall indicate in bold-face type whether or not the proxy is solicited by or on behalf of the management of the corporation, and

(ii) shall provide a specifically designated blank space for dating the form of proxy ;

(*b*) the form of proxy shall provide means whereby the person whose proxy is solicited is afforded an opportunity to specify that the shares registered in his name shall be voted by the nominee in favour of or against, in accordance with such person's choice, each matter or group of related matters identified therein or in the information circular as intended to be acted upon, other than the election of directors and the appointment of auditors, pro-

vided that a proxy may confer discretionary authority with respect to matters as to which a choice is not so specified by such means if the form of proxy or the information circular states in bold-face type how it is intended to vote the shares represented by the proxy in each such case;

(c) a proxy may confer discretionary authority with respect to,

(i) amendments or variations to matters identified in the notice of meeting, or

(ii) other matters which may properly come before the meeting,

provided that,

(iii) the person by whom or on whose behalf the solicitation is made is not aware a reasonable time prior to the time the solicitation is made that any such amendments, variations or other matters are to be presented for action at the meeting, and

(iv) a specific statement is made in the information circular or in the form of proxy that the proxy is conferring such discretionary authority;

(d) no proxy shall confer authority,

(i) to vote for the election of any person as a director of the corporation unless a *bona fide* proposed nominee for such election is named in the information circular, or

(ii) to vote at any meeting other than the meeting specified in the notice of meeting or any adjournment thereof;

(e) the information circular or form of proxy shall state that the shares represented by the proxy will be voted and that, where the person whose proxy is solicited specifies a choice with respect to any matter to be acted upon under clause *b*, the shares shall, subject to section 24*f*, be voted in accordance with the specifications so made;

(f) the information circular or form of proxy shall indicate in bold-face type that the shareholder

has the right to appoint a person to attend and act for him and on his behalf at the meeting other than the person, if any, designated in the form of proxy, and shall contain instructions as to the manner in which the shareholder may exercise such right; and

- (g) if the form of proxy contains a designation of a named person as nominee, means shall be provided whereby the shareholder may designate in a form of proxy some other person as his nominee for the purpose of subsection 1 of section 24a.

Where vote
by ballot not
required

24f. If the aggregate number of shares represented at a meeting by proxies required to be voted for or against a particular matter or group of matters carries, to the knowledge of the chairman of the meeting, less than 5 per cent of the voting rights attached to the shares entitled to vote and represented at the meeting, the chairman of the meeting has the right not to conduct a vote by way of ballot on any such matter or group of matters unless a poll is demanded at the meeting.

Regulations
re contents
of informa-
tion circular

24g. The Lieutenant Governor in Council may make such regulations respecting the form and content of an information circular as he considers necessary or appropriate in the public interest.

s. 26,
re-enacted

- 7. Section 26 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

26.—(1) In this section and in sections 26a to 26f,

R.S.O. 1970,
c. 89

- (a) “affiliate” means an affiliated company within the meaning of subsection 3 of section 107 of *The Corporations Act*;

- (b) “associate”, where used to indicate a relationship with any person, means,

- (i) any company of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,

- (ii) any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity, or

- (iii) any relative or spouse of such person or any relative of such spouse who, in any such case, has the same home as such person;
- (c) “capital security” means any share of any class of shares of a company or any bond, debenture, note or other obligation of a company, whether secured or unsecured;
- (d) “Commission” means the Ontario Securities Commission;
- (e) “company” means a body corporate, including a corporation to which this Act applies;
- (f) “equity share” means any share of any class of shares of a company carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (g) “insider” or “insider of a company” means,
 - (i) any director or senior officer of a company that has fifteen or more shareholders, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder,
 - (ii) any person who beneficially owns, directly or indirectly, equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding, provided that in computing the percentage of voting rights attached to equity shares owned by an underwriter there shall be excluded any equity shares that have been acquired by him as underwriter in the course of distribution to the public of such shares, but such exclusion ceases to have effect on completion or cessation of the distribution to the public by him, or
 - (iii) any person who exercises control or direction over the equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding;
- (h) “senior officer” means,

- (i) the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a company or any other individual who performs functions for the company similar to those normally performed by an individual occupying any such office, and
- (ii) each of the five highest paid employees of a company, including any individual referred to in subclause i;

R.S.O. 1970,
c. 426

(i) "underwriter" has the same meaning as in *The Securities Act*.

Idem

(2) For the purposes of this section and sections 26a to 26f,

- (a) every director or senior officer of a company that is itself an insider of another company shall be deemed to be an insider of such other company;
- (b) an individual shall be deemed to own beneficially capital securities beneficially owned by a company controlled by him or by an affiliate of such company;
- (c) a company shall be deemed to own beneficially capital securities beneficially owned by its affiliates; and
- (d) the acquisition or disposition by an insider of a put, call or other transferable option with respect to a capital security shall be deemed a change in the beneficial ownership of the capital security to which such transferable option relates.

Report

26a.—(1) A person who becomes an insider of a corporation shall, within ten days after the end of the month in which he becomes an insider, file with the Commission a report, as of the day on which he became an insider, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation.

Idem

(2) If a person who is an insider of a corporation, but has no direct or indirect beneficial ownership of or control or direction over capital securities of the corporation, acquires direct or indirect beneficial ownership of or control or direction over any such securities, he shall, within ten days after the end of the month in which he acquired such direct or indirect beneficial ownership or such control

or direction, file with the Commission a report, as of the date of such acquisition, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation.

(3) A person who has filed or is required to file a report under this section or any predecessor thereof and whose direct or indirect beneficial ownership of or control or direction over capital securities of the corporation changes from that shown or required to be shown in such report or in the last report filed by him under this subsection shall, within ten days following the end of the month in which such change takes place, provided that he was an insider of the corporation at any time during such month, file with the Commission a report of his direct or indirect beneficial ownership of or his control or direction over capital securities of the corporation at the end of such month and the change or changes therein that occurred during the month, and giving such details of each transaction as may be required by the regulations made under section 26f.

26b.—(1) All reports filed with the Commission under section 26a or any predecessor thereof shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

(2) The Commission shall summarize in or as part of a monthly periodical for distribution to the public on payment of a reasonable fee therefor the information contained in the reports so filed.

26c.—(1) Every person who is required to file a report under section 26a or any predecessor thereof and who fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

(2) Every person who files a report under section 26a or any predecessor thereof that is false or misleading by reason of the misstatement or omission of a material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a like fine.

Saving	(3) No person is guilty of an offence under subsection 2 if he did not know and in the exercise of reasonable diligence could not have known that the report was false or misleading by reason of the misstatement or omission of a material fact.
Consent to prosecute	(4) No prosecution shall be brought under subsection 1 or 2 without the consent of the Commission.
Liability of insiders	26 <i>d</i> .—(1) Every insider of a corporation or associate or affiliate of such insider, who, in connection with a transaction relating to the capital securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person for any direct loss suffered by such person as a result of such transaction, unless such information was known or ought reasonably to have been known to such person at the time of such transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction.
Limitation period	(2) An action to enforce any right created by subsection 1 may be commenced only within two years after the date of completion of the transaction that gave rise to the cause of action.
Order to commence action	26 <i>e</i> .—(1) Upon application by any person who was at the time of a transaction referred to in subsection 1 of section 26 <i>d</i> or is at the time of the application an owner of capital securities of the corporation, a judge of the High Court designated by the Chief Justice of the High Court may, if satisfied that, <div> <div>(a) such person has reasonable grounds for believing that the corporation has a cause of action under section 26<i>d</i>; and</div> <div>(b) either, <div> <div>(i) the corporation has refused or failed to commence an action under section 26<i>d</i> within sixty days after receipt of a written request from such person so to do, or</div> <div>(ii) the corporation has failed to prosecute diligently an action commenced by it under section 26<i>d</i>,</div> </div> </div> </div>

make an order, upon such terms as to security for costs and otherwise as to the judge seems fit, requiring the Commission to commence or continue an action in the name of and on behalf of the corporation to enforce the liability created by section 26*d*.

(2) The corporation and the Commission shall be given notice of any application under subsection 1 and shall have the right to appear and be heard thereon. Notice to corporation and O.S.C.

(3) Every order made under subsection 1 shall provide that the corporation shall co-operate fully with the Commission in the institution and prosecution of such action and shall make available to the Commission all books, records, documents and other material or information known to the corporation or reasonably ascertainable by the corporation relevant to such action. Order to require corporation to co-operate

(4) An appeal lies to the Court of Appeal from an order made under subsection 1. Appeal

26*f*. The Lieutenant Governor in Council may make regulations, Regulations

(a) prescribing the form and content of the reports required to be filed under section 26*a*;

(b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of sections 26 to 26*e*.

8. Subsection 2 of section 35 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor: s. 35 (2), re-enacted

(2) No person is qualified to be a director unless he is of the full age of eighteen years and he is a shareholder holding, in his own right, shares of the corporation in respect of which, either, Qualifications of directors

(a) at least \$1,000 has been paid in; or

(b) at the time of purchase had a market value of at least \$2,500,

and he is not in arrears in respect of any call thereon.

9. Subsections 1, 2 and 3 of section 65 of the said Act are repealed and the following substituted therefor: s. 65 (1-3), re-enacted

Increase or decrease of capital

(1) The directors of a corporation may by by-law provide for the increase or decrease of its capital and, where the corporation has been registered under this Act for a continuous period of five years, for the increase of its capital by authorizing no par value shares.

Contents of by-laws

(2) The by-laws shall state the number, class and par value of shares with par value and for shares without par value the stated amount as consideration for which such shares might be issued, by which the capital is so increased or decreased.

Conversion

(3) The directors may by by-law provide upon the terms therein stated for the conversion of partly paid-up shares into paid-up shares, for subdividing shares, altering the par value of shares, and subject to section 65a for the conversion of its shares.

ss. 65a, 65b, enacted

10. The said Act is further amended by adding thereto the following sections:

Conversion of par shares to par shares

65a.—(1) The by-laws of a corporation may provide for the conversion of shares with par value into other shares with par value provided that the aggregate par value of the shares being converted is equal to the aggregate par value of the shares into which they are converted.

Par shares to no par shares

(2) Where, in accordance with the by-laws, shares with par value are converted into shares without par value, the issued capital of the corporation attributable to the shares resulting from the conversion shall be equal to the aggregate par value of the shares converted.

No par shares to par shares

(3) Where the by-laws provide for the conversion of shares without par value into shares with par value, no such shares shall be converted unless that part of the issued capital attributable to the shares being converted is equal to the aggregate par value of the shares resulting from the conversion.

Issued capital; par value shares how expressed

65b.—(1) Where all the shares of a corporation are with par value, its issued capital shall be expressed in Canadian currency, and is an amount equal to the total of the products of the number of issued shares of each class multiplied by the par value thereof less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act.

No par value shares how expressed

(2) Where the shares of a corporation are without par value or where part of the shares of a corporation are

with par value and part are without par value, its issued capital shall be expressed in Canadian currency, and in an amount equal to the total of the products of the number of issued shares of each class with par value multiplied by the par value thereof, together with the amount of the consideration for which the shares without par value from time to time outstanding were issued and together with such amounts as from time to time by by-law of the corporation may be transferred thereto and less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act.

11. The said Act is further amended by adding thereto the following section:

s. 66a,
enacted

66a.—(1) Any person, upon payment of a reasonable charge therefor and upon filing with the corporation or its agent the affidavit referred to in subsection 2, may require a corporation, or its transfer agent, to furnish within ten days from the filing of the affidavit a list setting out the names alphabetically arranged of all persons who are shareholders of the corporation, the number of shares owned by each such person and the address of each such person as shown on the records of the corporation made up to a date not more than ten days before the date of filing the affidavit.

Where list of
shareholders
to be
furnished

(2) The affidavit referred to in subsection 1 shall be made by the applicant and shall be in the following form:

Form of
affidavit

FORM OF AFFIDAVIT

Province of Ontario
County of

In the Matter of
(Insert name of corporation)

I, of the of
in the of
make oath and say:

(Where the applicant is a body corporate, indicate office and authority of deponent).

1. I hereby apply for a list of the shareholders of the above-named corporation.
2. I require the list of shareholders only for purposes connected with the above-named corporation.
3. The list of shareholders and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Idem, where
applicant
a body
corporate

(3) Where the applicant is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate.

Use
of list

(4) No person shall use a list of all or any of the shareholders of a corporation obtained under this section,

(a) for the purpose of delivering or sending to all or any of the shareholders advertising or other printed matter relating to securities other than the securities of the corporation; or

(b) for any purpose not connected with the corporation.

Furnishing
list

(5) Every corporation or transfer agent shall furnish a list in accordance with subsection 1 when so required.

Purposes
connected
with
corporation
defined

(6) Purposes connected with the corporation include any effort to influence the voting of shareholders at any meeting thereof, any offer to acquire shares in the corporation or any effort to effect an amalgamation or reorganization.

s. 106 (1),
re-enacted

12. Subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

Power to
unite with
other cor-
porations and
to purchase
or sell assets

(1) Any registered loan corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any loan corporation or, subject to subsection 3 of section 116, with those of any trust company in Canada, or may purchase the assets of any other loan corporation in Canada, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase.

s. 107 (3),
amended

13. Subsection 3 of section 107 of the said Act is amended by inserting after "par value" in the sixth line "if any".

s. 116 (2, 3),
re-enacted

14. Subsections 2 and 3 of section 116 of the said Act are repealed and the following substituted therefor:

Power of
trust
companies to
unite with
other cor-
porations and
to purchase
or sell assets

(2) Any registered trust company may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any loan corporation or trust

company in Canada, or may purchase the assets of any corporation in Canada or may sell its assets to any registered trust company, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the vendor corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase, and subsection 2 of section 106 and sections 107 to 114, apply, *mutatis mutandis*, thereto.

(3) In any case of a union, merger, amalgamation or consolidation of a trust company with a loan corporation or a purchase of assets of a loan corporation by a trust company, the new, continuing or purchasing corporation, as the case may be, shall be a trust company, and it shall forthwith earmark and set aside in respect of any debentures and deposits of the loan corporation, securities, or cash and securities, equal to the full aggregate amount of such debentures and deposits, and for the purpose of this subsection, “cash” includes moneys on deposit and “securities” includes loans made upon securities.

Where trust company purchases assets of loan corporation

15. Subsection 6 of section 137 of the said Act is repealed.

s. 137 (6), repealed

16. Clause *d* of subsection 3 of section 150 of the said Act is repealed and the following substituted therefor:

s. 150 (3) (*d*), re-enacted

(*d*) real estate or leaseholds in Canada or in any country in which the corporation is carrying on business, notwithstanding that the loan exceeds the amount that the corporation is otherwise authorized to lend, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situate or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act*, or similar legislation of any province or territory of Canada; and

R.S.C. 1970, cc. I-15, I-16
R.S.O. 1970, c. 224

- s. 152,
amended
17.

Section 152 of the said Act is amended by striking out “or” at the end of clause *d*, by adding “or” at the end of clause *e* and by adding thereto the following clause:

(*f*) any company incorporated to provide financing by mortgage or otherwise on real property in the course of construction,

.
- s. 155,
amended
18.

Section 155 of the said Act is amended by striking out “or” at the end of clause *e*, by adding “or” at the end of clause *f*, and by adding thereto the following clause:

(*g*) any company incorporated to provide financing by mortgage or otherwise on real property in the course of construction,

.
- s. 162,
amended
19.

Section 162 of the said Act is amended by striking out “paid up” in the fourth line.
- s. 163 (3) (*e*),
amended
- 20.—(1)

Clause *e* of subsection 3 of section 163 of the said Act is amended by striking out “manager” in the first line and inserting in lieu thereof “general manager”.
- s. 163 (6) (*b*),
amended
- (2)

Clause *b* of subsection 6 of the said section 163 is amended by striking out “150, 151, 153 and 154” in the second and third lines and inserting in lieu thereof “106, 115, 116, 117, 150, 151, 152, 153, 154 and 155”.
- s. 177 (1),
amended
21.

Subsection 1 of section 177 of the said Act is amended by striking out “not less than \$20 and not more than \$200” in the fourth line and inserting in lieu thereof “not more than \$2,000” and by striking out “\$1,000” in the eighth line and inserting in lieu thereof “\$25,000”.
- s. 178 (1),
amended
22.

Subsection 1 of section 178 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 23, is amended by adding thereto the following clauses:

(*c*) respecting the records, papers and documents to be retained by corporations and the length of time they shall be so retained;

(*d*) requiring the disclosure to borrowers of terms and conditions of loans, mortgages and interest rates in lending transactions and prescribing the form thereof.

- 23.**—(1) This Act, except section 5, comes into force on the day ^{Commence-}
it receives Royal Assent. _{ment}
- (2) Section 5 comes into force on a day to be named by ^{Idem}
the Lieutenant Governor by his proclamation.
- 24.** This Act may be cited as *The Loan and Trust Corporations* ^{Short title}
Amendment Act, 1973.

CHAPTER 129

An Act to amend The Medical Act

*Assented to November 29th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Medical Act*, being s. 3 (1),
chapter 268 of the Revised Statutes of Ontario, 1970, amended
is amended by adding thereto the following paragraph:
 4. Three persons who are not members of the College
or trained in the practice of medicine or registered
under any Act governing a health discipline to be
appointed by the Lieutenant Governor in Council.
- (2) Subsection 3 of the said section 3 is repealed and the s. 3 (3),
following substituted therefor: re-enacted
 - (3) Every member of the Council chosen under paragraph Members
2 of subsection 1 need not be a legally qualified medical representing
practitioner resident in Ontario. universities,
etc., need
not be
practitioners
2. Subsection 1 of section 4 of the said Act is amended by s. 4 (1),
inserting after "Health" in the second line "and the members amended
of the Council appointed by the Lieutenant Governor in
Council".
3. The said Act is amended by adding thereto the following s. 12a,
section: enacted
 - 12a.—(1) The Council shall establish and appoint a fitness Establish-
to practise committee and may establish such other com- ment of
mittees as the Council from time to time considers necessary. fitness to
practise and
other
committees
 - (2) The Council may give the Medical Review Committee Medical
established under *The Health Insurance Act*, 1972 such Review
other duties as the Council considers appropriate and that Committee
1972, c. 91
are not inconsistent with its duties under that Act.
4. The said Act is further amended by adding thereto the s. 21a,
following section: enacted

Compilation
of statistical
information

21*a*. The Council may by by-law,

- (*a*) provide for the collection and compilation of statistics as to the supply, distribution and professional activities of members of the College in Ontario; and
- (*b*) require the members of the College to provide the information necessary to compile the statistics mentioned in clause *a*.

ss. 35, 36,
re-enacted

5. Sections 35 and 36 of the said Act are repealed and the following substituted therefor:

Discipline
committee

35.—(1) The Council shall establish and appoint a discipline committee.

Composition
of
committee

(2) The discipline committee shall be composed of ten members of the Council of whom two shall be persons appointed to the Council by the Lieutenant Governor in Council.

Chairman

(3) The Council shall appoint one of the members of the discipline committee to be chairman.

Composition
of panels

(4) The chairman of the discipline committee may assign a panel of five members of the committee to hold a hearing of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum
and votes

(5) Three members, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum of a panel assigned under subsection 4 for a hearing and all disciplinary decisions require the vote of a majority of members presiding at the hearing.

Interpre-
tation

36.—(1) In this section,

- (*a*) “board of inquiry” means a board of inquiry appointed by the executive committee under subsection 2;
- (*b*) “incapacitated member” means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that he no longer be permitted to practise or that his practice be restricted.

Reference
to board
of inquiry

(2) Where the registrar receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate

and report to the executive committee who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the College and one member of the Council appointed by the Lieutenant Governor in Council who shall inquire into the matter.

(3) The board of inquiry may require the member to submit to physical or mental examination by the board or by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his registration be suspended until he complies. Examination

(4) The board of inquiry shall report its findings to the executive committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the member about whom the report is made and if, in the opinion of the executive committee, the evidence so warrants, the executive committee shall refer the matter to the fitness to practise committee to hold a hearing and may suspend the member's registration under this Act until the determination of the question of his capacity becomes final. Hearing by fitness to practise committee

(5) The College, the person whose capacity is being investigated and any other person specified by the fitness to practise committee are parties to the hearing. Parties

(6) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceedings, Medical evidence

(a) where the evidence is required by the College, at least five days before the hearing commences; and

(b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

Powers of
fitness to
practise
committee

(7) The fitness to practise committee shall, after the hearing,

- (a) make a finding as to whether or not the member is an incapacitated member; and
- (b) where the member is found to be an incapacitated member, by order direct the registrar to,
 - (i) erase the name of the member,
 - (ii) suspend his registration for such period as the committee considers appropriate, or
 - (iii) transfer the member's registration to the Special Register with such restrictions and conditions as the committee may designate, and direct that the member discontinue the use of any specialty designation.

Procedures

(8) The provisions of sections 38, 39 and 43 applying to proceedings of the discipline committee on hearings and appeals therefrom apply *mutatis mutandis* to proceedings of the fitness to practise committee under this section except that, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

s. 37,
amended

6. Section 37 of the said Act is amended by adding thereto the following subsection:

In camera
1971, c. 47

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the discipline committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed; or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

ss. 37a, 37b,
enacted

7. The said Act is further amended by adding thereto the following sections:

Investigation
of members

37a.—(1) Where the registrar believes on reasonable and probable grounds that a member has committed an act

of professional misconduct or incompetence, the registrar may, with the approval of the executive committee, by order appoint one or more persons to make an investigation to ascertain whether such act has occurred, and the person appointed shall report the result of his investigation to the registrar.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*,^{1971, c. 49} which Part applies to such inquiry as if it were an inquiry under that Act. ^{Powers of investigator}

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. ^{Search warrant}

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation ^{Removal of books, etc.}

for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissi-
bility of
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of
registrar

(7) The registrar shall report the results of the investigation to the Council or the executive committee or to such other committee as he considers appropriate.

Matters
confidential

37b.—(1) Every person employed in the administration of this Act, including any person making an inquiry or investigation under section 37a and any member of the Council or a committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 37a and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act;

1972, c. 91

(b) as may be required for the enforcement of *The Health Insurance Act, 1972*;

(c) to his counsel; or

(d) with the consent of the person to whom the information relates.

Testimony
in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act.

Commence-
ment

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Medical Amendment Act, 1973*.

CHAPTER 130

An Act to amend The Public Health Act

*Assented to November 29th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of section 45 of *The Public Health Act*, being ^{s. 45 (a),} chapter 377 of the Revised Statutes of Ontario, 1970, as ^{re-enacted} re-enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

(a) “Director” means the Director of Laboratory and Specimen Collection Centre Licensing appointed under section 45*a*.

- (2) Clause *d* of the said section 45 is amended by adding ^{s. 45 (d),} at the end thereof “or a specimen collection centre”. ^{amended}

- (3) The said section 45 is amended by adding thereto the ^{s. 45,} following clause: ^{amended}

(*fa*) “specimen collection centre” means a place where specimens are taken or collected from the human body for examination to obtain information for diagnosis, prophylaxis or treatment, but does not include a place where a legally qualified medical practitioner is engaged in the practice of medicine or surgery or a laboratory that is established, operated or maintained under a licence under this Act.

2. Section 45*a* of the said Act, as enacted by the Statutes of ^{s. 45*a*,} Ontario, 1972, chapter 80, section 4, is repealed and the ^{re-enacted} following substituted therefor:

45*a*. The Minister shall appoint an officer of the Ministry ^{Director} to be the Director of Laboratory and Specimen Collection Centre Licensing for purposes of sections 45 to 45*n*.

s. 45*d* (1),
amended

3.—(1) Subsection 1 of section 45*d* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after “tests” in the fifth line “or such tests within a class or classes of tests”.

s. 45*d*,
amended

(2) The said section 45*d* is amended by adding thereto the following subsections:

Licence
required for
specimen
collection
centre

(2*a*) No person shall establish, operate or maintain a specimen collection centre except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a specimen collection centre to take or collect such specimens or class or classes of specimens and subject to such conditions as the Director may specify in the licence.

Issuance
of licence
for specimen
collection
centre

(2*b*) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a specimen collection centre and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

Where
proposal not
in public
interest

(2*c*) Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2*b*, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence to establish, operate or maintain the laboratory or specimen collection centre, as the case may be, in the area where the applicant proposes to establish, operate or maintain the laboratory or specimen collection centre, section 45*f* shall not apply and the Director shall not issue the licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister's statement.

Idem

(2*d*) Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2*b*, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence,

(*a*) in the case of a laboratory, for any of such classes of tests or any of the tests within a class or classes of tests in respect of which the application is made; or

(*b*) in the case of a specimen collection centre, to take or collect such specimens or class or classes of

specimens in respect of which the application is made,

sections 45*e* and 45*f* shall not apply, and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall not be for such classes of tests or such tests within a class or classes of tests or for taking or collecting such specimens or class or classes of specimens as are set out in the Minister's statement.

(2*e*) In considering,

Matters to
be considered
by Minister

(*a*) under subsection 2*c*, whether it is in the public interest to issue a licence,

(i) to establish, operate or maintain a laboratory in an area, or

(ii) to establish, operate or maintain a specimen collection centre in an area ; or

(*b*) under subsection 2*d*, whether it is in the public interest,

(i) in the case of a laboratory, to limit the classes of tests or the tests within a class or classes of tests, or

(ii) in the case of a specimen collection centre, to limit the specimens or class or classes of specimens,

in respect of which the Director may issue a licence to the applicant,

the Minister shall take into account,

(*c*) the number of laboratories or specimen collection centres, as the case requires, that operate under the authority of licences issued under this Act,

(i) in the area, or

(ii) in the area and any other area ;

(*d*) the number of laboratories or specimen collection centres, as the case requires, operated by a Ministry or Ministries of the Crown,

(i) in the area, or

(ii) in the area and any other area;

(e) the tests and classes of tests performed in the laboratories or the specimens or class or classes of specimens taken or collected in the specimen collection centres, as the case requires,

(i) in the area, or

(ii) in the area and any other area;

(f) the utilization of existing laboratories or specimen collection centres, as the case requires, and their capacity to handle increased volume;

(g) the availability of facilities for the transportation of persons and specimens to laboratories or for the transportation of persons to specimen collection centres, as the case requires,

(i) in the area, or

(ii) in the area and any other area; or

(h) the funds available to provide payment for laboratory tests that are insured services under *The Health Insurance Act, 1972*.

1972, c. 91

s. 45*d* (3) (a),
repealed

(3) Clause *a* of subsection 3 of the said section 45*d* is repealed.

s. 45*d* (3) (b),
amended

(4) Clause *b* of subsection 3 of the said section 45*d* is amended by inserting after "laboratory" in the fourth line "or specimen collection centre".

s. 45*d* (3) (c),
amended

(5) Clause *c* of subsection 3 of the said section 45*d* is amended by inserting after "laboratory" in the first line "or specimen collection centre".

s. 45*d* (3) (d),
amended

(6) Clause *d* of subsection 3 of the said section 45*d* is amended by inserting after "laboratory" in the second line "or specimen collection centre, as the case requires".

s. 45*d* (3) (e),
amended

(7) Clause *e* of subsection 3 of the said section 45*d* is amended by inserting after "tests" in the second line "or the taking or collecting of the specimens".

s. 45*d* (4),
repealed

(8) Subsection 4 of the said section 45*d* is repealed.

- (9) Subsection 5 of the said section 45*d* is amended by <sup>s. 45*d* (5),
amended</sup> adding at the end thereof “or specimen collection centre”.
- (10) Subsection 8 of the said section 45*d* is amended by <sup>s. 45*d* (8),
amended</sup> inserting after “laboratory” in the second line “or specimen collection centre”.
- (11) Subsection 9 of the said section 45*d* is amended by <sup>s. 45*d* (9),
amended</sup> inserting after “laboratory” in the second line and in the fourth line “or specimen collection centre”.
- (12) Clause *a* of subsection 11 of the said section 45*d* is <sup>s. 45*d* (11) (a),
amended</sup> amended by adding at the end thereof “or specimen collection centre”.
- (13) Subsection 11 of the said section 45*d* is amended by <sup>s. 45*d* (11),
amended</sup> adding thereto the following clause:
- (ba) any specimen taking or collecting authorized by the licence is incompetently carried out.
- (14) Clause *e* of subsection 11 of the said section 45*d* is <sup>s. 45*d* (11) (e),
amended</sup> amended by inserting after “laboratory” in the second line “or specimen collection centre”.
- (15) Clause *f* of subsection 11 of the said section 45*d* is <sup>s. 45*d* (11) (f),
amended</sup> amended by inserting after “laboratory” in the third line “or specimen collection centre”.
- 4.—(1) Section 45*j* of the said Act, as enacted by the Statutes <sup>s. 45*j*,
amended</sup> of Ontario, 1972, chapter 80, section 4, is amended by inserting after “operator” in the first line “of a laboratory”.
- (2) The said section 45*j* is further amended by adding thereto <sup>s. 45*j*,
amended</sup> the following subsection:
- (2) Every owner and operator of a specimen collection <sup>Specimen
taking or
collecting
permitted</sup> centre shall ensure that no specimen taking or collecting is carried out in the specimen collection centre other than specimen taking or collecting authorized by the licence, and no person employed in the specimen collection centre shall knowingly participate in such specimen taking or collecting.
5. Section 45*k* of the said Act, as enacted by the Statutes of <sup>s. 45*k*,
amended</sup> Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following subsection:

Idem

(2) No person shall advertise or cause to be advertised the services of a specimen collection centre, but any person may notify such classes of persons as are specified by the regulations respecting,

- (a) the name and address of the specimen collection centre;
- (b) employees of the specimen collection centre and the specimens or class or classes of specimens that are authorized to be taken or collected under the specimen collection centre licence;
- (c) the equipment, premises, procedures and tariff of the specimen collection centre;
- (d) information as to new specimen taking or collecting provided.

s. 45l (3),
amended

6.—(1) Subsection 3 of section 45l of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after “laboratories” in the third line “and specimen collection centres”.

s. 45l,
amended

(2) The said section 45l is amended by adding thereto the following subsection:

Idem

(3a) Where the Director has reasonable and probable grounds to believe that any institution, building or place other than a private dwelling is being used as a laboratory or specimen collection centre without being licensed under this Act, the Director may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of subsection 1 or 2a of section 45d.

s. 45n,
amended

7.—(1) Section 45n of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following clauses:

- (da) respecting the staff and employees of specimen collection centres and respecting the duties, responsibilities and qualifications of the staff and employees of specimen collection centres;
- (ea) prescribing the classes of persons who may take or collect specimens in a specimen collection centre.

- (2) Clause *f* of the said section 45*n* is amended by inserting after “laboratories” in the second line “or specimen collection centres”. <sup>s. 45*n* (*f*),
amended</sup>
 - (3) Clause *g* of the said section 45*n* is amended by inserting after “laboratories” in each instance where it occurs in the second line “and specimen collection centres”. <sup>s. 45*n* (*g*),
amended</sup>
 - (4) Clause *h* of the said section 45*n* is amended by inserting after “laboratories” in the first line “and specimen collection centres”. <sup>s. 45*n* (*h*),
amended</sup>
 - (5) Clause *k* of the said section 45*n* is amended by striking out “or any class thereof” in the first line and inserting in lieu thereof “or specimen collection centres or any class of either of them”. <sup>s. 45*n* (*k*),
amended</sup>
 - (6) Clause *m* of the said section 45*n* is amended by adding at the end thereof “and specimen collection centres”. <sup>s. 45*n* (*m*),
amended</sup>
- 8.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>
- 9.** This Act may be cited as *The Public Health Amendment Act, 1973*. ^{Short title}

CHAPTER 131

An Act to amend The Dependants' Relief Act

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Dependants' Relief Act*, being chapter 126 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

10a. Where an application is made under this Act and the applicant is in need of maintenance and is entitled to an allowance but any or all of the matters referred to in section 7 have not been ascertained by the judge, the judge may make an interim order for payment of such allowance as he considers appropriate.

10b. Where an order has been made under this Act, the judge may, at any subsequent time, inquire into any change in material circumstances or into the adequacy of the order and may discharge, vary or suspend the order or make such other order as he considers appropriate in the circumstances.

2. This Act applies in respect of all applications and orders for allowances, whether made before or after this Act comes into force.
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Dependants' Relief Amendment Act, 1973*.

CHAPTER 132

**An Act to amend
The Conveyancing and Law of Property Act**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act*, being chapter 85 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

64.—(1) In this section,

Interpre-
tation

- (a) “investment corporation” means a corporation that is approved by the Governor in Council for the purposes of section 146 of the *Income Tax Act* ^{1970-71, s. 64, enacted c. 63 (Can.)} (Canada) and that issues investment contracts as described in that section;
- (b) “planholder” means a person, not being a corporation, who has entered into a retirement savings plan with a trustee or with an investment corporation;
- (c) “retirement savings plan” means an arrangement that is defined to be a retirement savings plan by the *Income Tax Act* (Canada) for the purposes of that Act;
- (d) “trustee” means a corporation that is a trustee under a retirement savings plan.

(2) Where, in accordance with the terms of a retirement savings plan, a planholder has designated a person or persons to receive a benefit payable under the retirement savings plan in the event of the planholder's death,

Death of
planholder

- (a) the trustee or the investment corporation that is a party to the plan is discharged upon paying to such person or persons the amount of the benefit;

- (b) such person or persons may, upon the death of the planholder, enforce payment of the benefit, but the trustee or investment corporation that is a party to the plan is entitled to set up any defence that the trustee or investment corporation could have set up against the planholder or his personal representatives.

Designation
of
beneficiary

(3) A planholder may from time to time make a designation, or alter or revoke a designation made, under a retirement savings plan, but any such making, alteration or revocation of a designation may be made only in the manner set forth in the retirement savings plan.

Exception
R.S.O. 1970,
c. 224

(4) This section does not apply to a designation of a beneficiary to which *The Insurance Act* applies.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1973*.

CHAPTER 133

**An Act to amend
The Deserted Wives' and Children's
Maintenance Act**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Deserted Wives' and Children's Maintenance Act*, being chapter 128 of the Revised Statutes of Ontario, 1970, is repealed. s. 6,
repealed
2. Form 1 of the said Act is amended by striking out "your wife (or child)" in the fifth line. Form 1,
amended
3. Form 2 of the said Act is amended by striking out "wife or child of A.B." in the sixth line. Form 2,
amended
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1973*. Short title

CHAPTER 134

An Act to amend The Crown Attorneys Act

Assented to December 4th, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Crown Attorneys Act*, being chapter 101 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7,
re-enacted

7.—(1) The Attorney General may by order authorize persons appointed under *The Public Service Act* to be provincial prosecutors. Provincial
prosecutors
R.S.O. 1970,
c. 386

(2) A provincial prosecutor may be a person who is not a member of the bar. Qualifica-
tions

(3) A provincial prosecutor shall act anywhere in Ontario as directed by the Director of Crown attorneys of the Ministry of the Attorney General. Jurisdiction

(4) A provincial prosecutor shall conduct such prosecutions for offences punishable on summary conviction as are delegated to him by the Crown attorney for the county or provisional judicial district in which the provincial prosecutor acts and shall be subject to the direction and supervision of the Crown attorney. Duties

(5) Every provincial prosecutor before he enters upon his duties shall take and subscribe before a Crown attorney the following oath: Oath

I swear that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of provincial prosecutor for Ontario without favour or affection to any party. So help me God.

2. Section 11 of the said Act is amended by inserting after "attorney" in the first line "and every provincial prosecutor". s. 11,
amended
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Crown Attorneys Amendment Act, 1973 (No. 2)*. Short title

CHAPTER 135

**An Act to amend
The Provincial Land Tax Act**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Provincial Land Tax Act*, being chapter ^{s. 1,} 370 of the Revised Statutes of Ontario, 1970, as amended by ^{amended} the Statutes of Ontario, 1972, chapter 1, section 91, is further amended by adding thereto the following clause:

(eb) “municipality” includes a district, metropolitan or regional municipality.

- 2.—(1) Paragraph 2 of subsection 1 of section 3 of the said ^{s. 3 (1), par. 2,} Act is amended by striking out “but not if occupied ^{amended} by a person who is not a member of a band or body of Indians” in the first, second and third lines.

- (2) Subsection 1 of the said section 3 is amended by ^{s. 3 (1),} adding thereto the following paragraphs: ^{amended}

17. Land belonging to any municipality or vested in ^{Municipal} or controlled by any public commission or local ^{property, etc.} board as defined by *The Municipal Affairs Act*, ^{R.S.O. 1970,} wherever situate and whether occupied for the ^{c. 118} purposes thereof or unoccupied but not when occupied by a tenant or lessee who is liable to taxation under this Act.

18. Buildings and grounds of and attached to or other- ^{Public} wise *bona fide* used in connection with and for ^{hospitals} the purposes of a public hospital receiving aid under *The Public Hospitals Act*, and all land ^{R.S.O. 1970,} owned and used by such a public hospital for ^{c. 378} farming purposes, but no land is exempt from assessment and taxation by virtue of this paragraph when occupied by any tenant or lessee who is liable to taxation under this Act.

s. 10 (7),
amended

3. Subsection 7 of section 10 of the said Act is amended by inserting after "lands" in the second line "other than lands held in trust for a band or body of Indians".

s. 11 (10),
re-enacted

4. Subsection 10 of section 11 of the said Act is repealed and the following substituted therefor:

Returns by
telegraph and
telephone
companies

(10) Every telegraph and telephone company doing business in Ontario shall, in respect of its wires and circuits in territory without municipal organization, on or before the 1st day of March in each year, transmit to the collector a statement in writing showing,

(a) the length in miles of one wire or of one circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) in use by the company in such townships on the 31st day of December next preceding the assessment, and the length in miles of additional wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) whether or not in use by the company in such townships on the 31st day of December next preceding the assessment; and

(b) the length in miles of one exempt wire or of one exempt circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) in use by the company in such townships on the 31st day of December next preceding the assessment, and the length in miles of additional exempt wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) whether or not in use by the company in such townships on the 31st day of December next preceding the assessment.

s. 19,
re-enacted

5. Section 19 of the said Act is repealed and the following substituted therefor:

19. The judge hearing any complaint under section 15 has the like powers, as nearly as may be, as in the case of a judge hearing appeals under *The Assessment Act* from decisions of the Assessment Review Court established under *The Assessment Review Court Act, 1972*, and, subject to this Act, the procedure for the hearing of complaints under this Act shall be, as nearly as may be, the same as the procedure under *The Assessment Act* for the hearing of appeals from decisions of the Assessment Review Court, except that the judge shall hear only those complaints that are included in the list of unresolved complaints required by section 20 unless the collector consents to the judge's hearing of any complaint that is not included on that list.

Powers of
judge

R.S.O. 1970,
c. 32

1972, c. 111

6. Subsection 3 of section 22 of the said Act is repealed. s. 22 (3),
repealed
7. Subsection 1 of section 23 of the said Act is amended by striking out "1st day of February" in the third line and inserting in lieu thereof "15th day of March" and by striking out "January" in the sixth line and inserting in lieu thereof "February". s. 23 (1),
amended
8. Section 24 of the said Act is amended by striking out "March" in the second line, sixth line, eighth line and ninth line and inserting in lieu thereof in each instance "April" and by striking out "one-half of 1 per cent per month for each month or fraction thereof" in the fifth and sixth lines and inserting in lieu thereof "6 per cent per annum". s. 24,
amended
9. Subsection 7 of section 25 of the said Act is amended by striking out "one-half of 1 per cent per month for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "6 per cent per annum" and by striking out "March" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "April". s. 25 (7),
amended
- 10.—(1) Subsection 1 of section 33 of the said Act is amended by striking out "31st day of August" in the third line and in the twelfth line and inserting in lieu thereof in each instance "30th day of November" and by striking out "September" in the fourteenth line and inserting in lieu thereof "December". s. 33 (1),
amended
- (2) Subsection 3 of the said section 33 is amended by striking out "31st day of August" in the seventh line and inserting in lieu thereof "30th day of November" and by striking out "September" in the tenth line and inserting in lieu thereof "December". s. 33 (3),
amended

s. 33 (4),
amended

- (3) Subsection 4 of the said section 33 is amended by striking out "31st day of August" in the second line and inserting in lieu thereof "30th day of November" and by striking out "September" in the fifth line and inserting in lieu thereof "December".

s. 38,
amended

- 11.** Section 38 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 70, is further amended by adding thereto the following clause:

- (g) authorizing or requiring the Deputy Minister or any officer of the Ministry to exercise any power or perform any duty conferred or imposed by this Act upon the Minister, the Deputy Minister or the collector.

Commence-
ment

- 12.—**(1) This Act, except subsection 1 of section 2 and sections 3, 6, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 1 of section 2 and sections 3 and 6 shall be deemed to have come into force on the 1st day of January, 1973.

Idem

- (3) Sections 8 and 9 shall be deemed to have come into force on the 1st day of March, 1973.

Idem

- (4) Section 10 comes into force on the 1st day of January, 1974.

Short title

- 13.** This Act may be cited as *The Provincial Land Tax Amendment Act, 1973*.

CHAPTER 136

An Act to amend The County Judges Act

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The County Judges Act*, being ^{s. 3 (1),} chapter 95 of the Revised Statutes of Ontario, 1970, is amended by striking out "Cochrane" in the fourth line. ^{amended}

2. Subsection 1 of section 5 of the said Act is repealed. ^{s. 5 (1),} repealed

3.—(1) Subsection 4 of section 15 of the said Act is amended by ^{s. 15 (4),} striking out "including the surrogate and small claims courts where it is customary for the county or district court judge to act as judge of the surrogate court and the small claims court" in the third, fourth, fifth and sixth lines. ^{amended}

(2) The said section 15 is amended by adding thereto the ^{s. 15,} following subsection: ^{amended}

(9) For the purposes of this section, a reference to a court ^{Small claims and surrogate courts and judges} or a judge of a county or district court district includes the small claims courts and surrogate courts in the county or district court district and the judges thereof, respectively.

4. Section 16 of the said Act is repealed and the following sub- ^{s. 16,} stituted therefor: ^{re-enacted}

16.—(1) A judge or junior judge may perform any judicial ^{Jurisdiction outside county or district} or other function or duty or exercise any power in any county or district in the same manner and to the same effect as a judge of that county or district.

(2) Any judge or junior judge, with the approval of the ^{Idem} chief judge, may perform any judicial or other function or duty or exercise any power under subsection 1 notwithstanding that he is not present in the county or district.

s. 18,
enacted

5. The said Act is amended by adding thereto the following section:

Judgment
after
leaving
office

18. Where a judge resigns his office or is appointed to any other court or ceases to hold office by reason of his having reached the age of retirement, he may at any time within eight weeks after such event give judgment in any cause, action or matter previously tried by or heard before him, as if he had continued in office.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The County Judges Amendment Act, 1973*.

CHAPTER 137

**An Act to amend The Regional
Municipality of Waterloo Act, 1972**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *l* of section 1 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is amended by striking out "91" in the third line and inserting in lieu thereof "133". <sup>s. 1 (l),
amended</sup>
- 2.—(1) Clause *f* of subsection 1 of section 8 of the said Act is amended by striking out "one" in the first line and inserting in lieu thereof "the". <sup>s. 8 (1) (f),
amended</sup>

(2) Subsection 3 of the said section 8 is amended by inserting after "municipality" in the second line "except the City of Kitchener and the Township of Wilmot". <sup>s. 8 (3),
amended</sup>
3. Subsection 4 of section 23 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*". <sup>s. 23 (4),
amended</sup>
4. Section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 1, is further amended by adding thereto the following subsection:

(11a) Where, under the provisions of this section, any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. <sup>Pension
rights and
sick leave
credits</sup>
5. Section 90 of the said Act is amended by adding thereto the following subsection: <sup>s. 90,
amended</sup>

Approval
required to
intersect
regional road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

s. 115 (1),
amended

6.—(1) Subsection 1 of section 115 of the said Act is amended by striking out “subsections 2 to 7” in the sixth line and inserting in lieu thereof “subsections 5 and 11a”.

s. 115 (3) (b),
re-enacted

(2) Clause *b* of subsection 3 of the said section 115 is repealed and the following substituted therefor:

(b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.

s. 115,
amended

(3) The said section 115 is amended by adding thereto the following subsections:

Retirement
of
civilians

(3a) Every civilian employee and assistant of the Waterloo Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.

Application
of R.S.O. 1970,
c. 284, s. 239

(6) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Waterloo Police Board.

s. 133,
amended

7. Section 133 of the said Act is amended by adding thereto the following subsection:

Idem

(5a) The signature of the chairman or any other person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 143 (6),
amended

8. Subsection 6 of section 143 of the said Act is amended by striking out “2” in the third line and inserting in lieu thereof “1”.

s. 158 (1),
amended

9.—(1) Subsection 1 of section 158 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 3, is further amended by striking out “and 24” in the second line and inserting in lieu thereof “24 and 46”.

(2) Subsection 8 of the said section 158 is amended by <sup>s. 158 (8),
amended</sup> striking out “until” in the fourth line and inserting in lieu thereof “but may be amended or”.

(3) The said section 158 is amended by adding thereto <sup>s. 158,
amended</sup> the following subsection:

(8a) Where any local municipality has commenced pro- ^{Idem} cedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1972, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law.

10. Section 160 of the said Act is amended by striking out <sup>s. 160,
amended</sup> “not exceeding \$50,000 in any one year” in the first and second lines.

11. The said Act is amended by adding thereto the following <sup>s. 166a,
enacted</sup> section:

166a. For the purpose of membership on the Board of <sup>Chairman
member of
Board of
Governors,
University of
Waterloo
R.S.O. 1970,
c. 284</sup> Governors of the University of Waterloo, the chairman shall be deemed to be the warden of the County of Waterloo, and the provisions of section 213 of *The Municipal Act* apply *mutatis mutandis* thereto.

12. Subsection 4 of section 169 of the said Act is amended by <sup>s. 169 (4),
amended</sup> striking out “Corporation” in the first line and inserting in lieu thereof “Council”.

13. Section 178 of the said Act, as amended by the Statutes <sup>s. 178,
amended</sup> of Ontario, 1972, chapter 164, section 7, is further amended by adding thereto the following subsection:

(4a) The Galt Public Service Commission is dissolved <sup>Dissolution
of Galt
Public
Service Com-
mission</sup> effective the 1st day of January, 1973, and all its rights, obligations, assets and liabilities are thereupon transferred to and vested in The Corporation of the City of Cambridge.

14. Paragraph 4 of Form 2 of the said Act is repealed. <sup>Form 2,
par. 4,
repealed</sup>

15.—(1) This Act, except sections 1, 4, 8, 9 and 13, comes into <sup>Commence-
ment</sup> force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 8, 9 and 13 shall be deemed to have come into force on the 1st day of January, 1973.

Short title

16. This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1973*.

CHAPTER 138

An Act to amend The Regional Municipality of Ottawa-Carleton Act

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a*, *i* and *l* of section 1 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

s. 1 (*a, i, l*),
re-enacted

- (*a*) “area municipality” means the municipality or corporation of the Township of Cumberland, the Township of Gloucester, the Township of Goulbourn, the Township of March, the Township of Nepean, the Township of Osgoode, the City of Ottawa, the Township of Rideau, the Village of Rockcliffe Park, the City of Vanier or the Township of West Carleton;

.

- (*i*) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

.

- (*l*) “Regional Area” means the area from time to time included within the area municipalities.

- 2.—(1) Clauses *a*, *b* and *c* of subsection 1 of section 4 of the said Act are repealed and the following substituted therefor:

s. 4 (1) (*a, b*),
re-enacted;
s. 4 (1) (*c*),
repealed

- (*a*) the head of council of each area municipality;
- (*b*) the four members of the board of control and eleven aldermen of the City of Ottawa.

s. 4 (1) (*f*),
amended

- (2) Clause *f* of subsection 1 of the said section 4 is amended by striking out "subject to subsection 8" in the first line.

s. 4 (1) (*g-j*),
repealed

- (3) Clauses *g*, *h*, *i* and *j* of subsection 1 of the said section 4 are repealed.

s. 4 (2),
re-enacted;
s. 4 (3),
repealed

- (4) Subsections 2 and 3 of the said section 4 are repealed and the following substituted therefor:

Biennial
appointment
of chairman

- (2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act.

s. 4 (5),
amended

- (5) Subsection 5 of the said section 4 is amended by striking out "1973" in the first line and inserting in lieu thereof "1975" and by striking out "two following years" in the sixth and seventh lines and inserting in lieu thereof "following year".

s. 4 (7, 8),
repealed

- (6) Subsections 7 and 8 of the said section 4 are repealed.

s. 4 (9),
amended

- (7) Subsection 9 of the said section 4 is amended by striking out "or appointment to such membership" in the third line.

s. 5,
re-enacted

- 3.** Section 5 of the said Act is repealed and the following substituted therefor:

Dissolution
of police
villages

- 5.—(1) The following police villages are dissolved on the 1st day of January, 1974:

1. The Police Village of City View.
2. The Police Village of Cumberland.
3. The Police Village of Kenmore.
4. The Police Village of Manotick.
5. The Police Village of Metcalfe.
6. The Police Village of Navan.
7. The Police Village of North Gower.
8. The Police Village of Orleans.
9. The Police Village of Osgoode.
10. The Police Village of Sarsfield.
11. The Police Village of Vars.

(2) For the purposes of every Act, the dissolutions provided for in subsection 1 shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act made on the day this section comes into force pursuant to applications made under section 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Dissolutions
deemed by
Municipal
Board orders

R.S.O. 1970,
cc. 323, 284

4. Subsections 1, 2, 3 and 4 of section 8 of the said Act are repealed and the following substituted therefor:

s. 8 (1),
repealed;
s. 8 (2-4),
re-enacted

(2) The first meeting of the council of each area municipality in the year 1975 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting
of area
councils

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First
meeting of
Regional
Council

(4) A person entitled to be a member of the Regional Council in accordance with section 4 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality that he represents and under the seal of the area municipality certifying that he is entitled to be a member under such section.

Certificate
of qualifi-
cation

5. Subsection 4 of section 11 of the said Act is amended by striking out "or in the case of a member representing two or more municipalities, the councils of such municipalities" in the third and fourth lines.

s. 11 (4),
amended

6. Subsection 4 of section 19 of the said Act is repealed.

s. 19 (4),
repealed

7. Section 26 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 71, section 3, is further amended by adding thereto the following subsections:

s. 26,
amended

(14) The employees of the local municipalities and the local boards thereof within the Regional Area that are

Offer of
employment

1973, c. 93

amalgamated to form an area municipality under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, who were employed by such a local municipality or local board on the 1st day of July, 1973, and continue to be so employed until the 31st day of December, 1973, shall be offered employment by the council of the area municipality with which they are amalgamated and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of July, 1973.

Sick leave
credits

(15) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 14 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(16) Any person who accepts employment under subsection 14 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension
rights and
sick leave
credits

(17) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination
of
employment

(18) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

s. 69a,
enacted

8. The said Act is amended by adding thereto the following section:

Subsidiary
planning
areas

69a.—(1) The Township of Goulbourn, the Township of Rideau and the Township of West Carleton are each constituted a subsidiary planning area effective the 1st day of January, 1974, and the respective councils thereof shall have all the powers of a planning board under *The Planning Act* and no such municipality shall establish a planning board.

R.S.O. 1970,
c. 349Committees
of
adjustment

(2) The councils of the Township of Goulbourn, the Township of Rideau and the Township of West Carleton shall forthwith after the 1st day of January, 1974, each pass a by-law constituting and appointing a committee of adjustment in their respective municipalities under section

41 of *The Planning Act*, but no such committee shall have any authority to grant consents referred to in section 29 of such Act unless an official plan has been approved for such entire municipality. R.S.O. 1970,
c. 349

9. Section 89 of the said Act is repealed and the following substituted therefor: s. 89,
re-enacted

89. In this Part,

Interpre-
tation

(a) "local municipality" means the Township of Fitzroy, the Township of Huntley, the Township of Marlborough, the Township of North Gower, the Village of Richmond, the Village of Stittsville or the Township of Torbolton, and includes those local municipalities, portions of which are described in the Schedule to *The Ottawa-Carleton Amalgamations and Elections Act, 1973*; 1973, c. 93

(b) "merged area" means a local municipality that under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, is amalgamated with another local municipality or part of a local municipality that is annexed to a local municipality to constitute an area municipality and such merged area shall be deemed to be a merged area for the purposes of *The Regional Municipal Grants Act*; R.S.O. 1970,
c. 405

(c) "rateable property" includes business and other assessment made under *The Assessment Act*. R.S.O. 1970,
c. 32

10. Subsections 4, 6, 7, 8, 9, 11 and 12 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 17, are repealed and the following substituted therefor: s. 92 (4, 6-9,
11, 12),
re-enacted

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. Equalized
assessment

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality. Copy to
Regional
Corporation
and area
municipality

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.
-

Assessment
to include
valuations
on properties
for which
payments
in lieu of
taxes paid

(11) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality, and shall include the amount by which the assessment of a municipality shall be deemed

to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act*, section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. R.S.O. 1970, c. 284
1971, c. 78
1973, c. 73

(12) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the Ministry of Revenue a statement of the payments referred to in subsection 11 and the Ministry of Revenue shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. Valuation of properties

11. The said Act is further amended by adding thereto the following section: s. 92a, enacted

92a.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding. Equalization of assessment of merged areas

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment. Notice

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality, both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. Apportionment among merged areas
R.S.O. 1970, cc. 405, 284, 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. Determination of rates

s. 93,
amended

- 12.** Section 93 of the said Act is amended by adding thereto the following subsections:

Levy by
area municipi-
pality before
estimates
adopted

(3) Notwithstanding section 92*a*, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 92 to be
reduced

(4) The amount of any levy under subsection 3 shall be deducted from the amount of the levy made under section 92.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(5) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

ss. 93*a*-93*e*,
enacted

- 13.** The said Act is further amended by adding thereto the following sections:

Rates under
R.S.O. 1970,
c. 430

93*a*.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92*a*.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92*a*.

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

Rates for
secondary
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

Rates for
secondary
school
purposes on
residential
assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations
under
R.S.O. 1970,
c. 425 to apply

93b. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional
adjustments

93c.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances
to be made
in estimates
of area
municipi-
palities in 1974
R.S.O. 1970,
c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local

Merged areas

municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
of payment

(4) For the purpose of this section and section 93*d*, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased, as the case may be, by any payment made by a local municipality under this section.

Interpre-
tation

R.S.O. 1970,
c. 284

93*d*.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

1973, c. 93

93*e*.—(1) The Minister may, on or before the 1st day of December, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the area described in the Schedule to *The Ottawa-Carleton Amalgamations and Elections Act*, 1973.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

(4) As soon as possible thereafter the committees, where ^{Final determination} appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

(5) The final determination made under subsection 4 ^{Idem} shall be forwarded forthwith to the area municipalities directly concerned and to the townships of Nepean, Gloucester and Osgoode and to the Municipal Board and, unless the council of any such municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by the municipalities. ^{R.S.O. 1970, c. 284}

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination. ^{Idem}

(7) All documents and records kept by the clerk or treasurer or other officer of the townships of Gloucester, Nepean and Osgoode shall be made available to any official of the Township of Rideau. ^{Documents and records}

(8) Notwithstanding the provisions of sections 91 and 93*d* and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made. ^{Period of adjustment}

14. Section 95 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 126, section 18, is further amended ^{s. 95, amended} by adding thereto the following subsection:

(5*a*) The signature of the chairman or any other person ^{Idem} authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

15.—(1) Subsection 6 of section 119 of the said Act is amended ^{s. 119 (6), amended} by striking out "In the year 1969 and in every third year" in the first line and inserting in lieu thereof "In the year 1974 and every second year".

s. 119 (7),
amended

(2) Subsection 7 of the said section 119 is amended by striking out "three" in the second line and inserting in lieu thereof "two".

s. 119 (8),
repealed

(3) Subsection 8 of the said section 119 is repealed.

s. 120,
re-enacted

16. Section 120 of the said Act is repealed and the following substituted therefor:

Carleton
school
division
established

120.—(1) On and after the 1st day of January, 1974, the townships of Cumberland, Goulbourn, Gloucester, March, Nepean, Osgoode, Rideau and West Carleton are a school division under Part IV of *The Secondary Schools and Boards of Education Act*.

Divisional
board

(2) The Carleton Board is continued as the divisional board of education for such school division and the members holding office on the day this Act comes into force shall continue to hold office until the 31st day of December, 1974, and until their successors are elected and the new divisional board is organized.

Elections

(3) Elections for the Carleton Board shall be held in the year 1974 and every second year thereafter in accordance with *The Secondary Schools and Boards of Education Act*.

Composition
of Board

(4) Notwithstanding *The Secondary Schools and Boards of Education Act*, the Carleton Board shall be composed of twenty members elected in the following manner,

(a) sixteen members elected by a general vote of the public school electors as follows,

(i) seven members in the Township of Nepean,

(ii) three members in the Township of Gloucester,

(iii) one member in each of the townships of Osgoode, Cumberland, March, West Carleton, Rideau and Goulbourn; and

(b) four members elected by a general vote of the separate school electors in the school division.

ss. 121, 122,
repealed

17. Sections 121 and 122 of the said Act are repealed.

ss. 123a-123h,
enacted

18. The said Act is further amended by adding thereto the following Part:

PART VIII-A

SPECIAL PROVISIONS

123a. This Part applies only to the area municipalities established by *The Ottawa-Carleton Amalgamations and Elections Act, 1973*. Application of Part 1973, c. 93

123b. For the purposes of this Part, "local municipality" means a local municipality that is amalgamated with or a portion of which is annexed to another local municipality to constitute an area municipality under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*. Interpretation

123c.—(1) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(2) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality and the provisions of subsection 1 apply *mutatis mutandis* to any such by-law. Idem

123d. Where any agreement has been entered into by a local municipality, the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality. Agreements

123e. Section 244 of *The Municipal Act* does not apply to a local municipality in the year 1973. R.S.O. 1970, c. 284, s. 244, not to apply

123f.—(1) The Board of the Hydro-Electric Commission of the Village of Richmond as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, continue and such commission shall be deemed to be a local board of the Township of Goulbourn. Commission continued

(2) The Hydro-Electric Commission of the Township of Gloucester shall continue to provide electrical service to that portion of the Township of Gloucester annexed to the Township of Rideau. Supply of electrical service to portion of Township of Gloucester

Membership
not to act
as disquali-
fication

123g. Membership on the board referred to in section 123f does not act as a disqualification to be elected as a member of the council of the Township of Goulbourn.

Existing
speed limits
continued
R.S.O. 1970,
c. 202

123h.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1973, formed part of a village or township municipality shall be considered to continue to form part of a village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

s. 124 (1),
amended

19.—(1) Subsection 1 of section 124 of the said Act is amended by striking out “and 24” in the second line and inserting in lieu thereof “24 and 46”.

s. 124 (7),
repealed

(2) Subsection 7 of the said section 124 is repealed.

s. 126,
re-enacted

20. Section 126 of the said Act is repealed and the following substituted therefor:

Expenditures
for diffusing
information

126. The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the Regional Municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Commence-
ment

21.—(1) This Act, except sections 1, 2, 5 and 11, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 5 and 11 come into force on the 1st day of January, 1974.

Short title

22. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1973 (No. 2)*.

CHAPTER 139

**An Act to amend The Regional Municipality
of Sudbury Act, 1972**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is amended by inserting after "Sudbury" in the third line "and the Town of Nickel Centre". s. 8 (3),
amended
2. Subsection 4 of section 23 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*". s. 23 (4),
amended
3. Section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 3, is further amended by adding thereto the following subsection: s. 27,
amended

(11a) Where, under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. Pension
rights and
sick leave
credits

4. Section 29 of the said Act is amended by adding thereto the following subsections: s. 29,
amended

(7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers Special
rates

itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising of
money by
area
municipality

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality, subject to the approval of the Regional Corporation, may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

s. 31,
re-enacted

5. Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 4, is repealed and the following substituted therefor:

Regional
Corporation
responsible
for sanitary
sewage

31.—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 9, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 9.

Vesting of
sanitary
sewage
facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 9, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system.

(5) The Regional Corporation shall pay to the corporation^{Regional Corporation liability} of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.^{R.S.O. 1970, c. 255}

(6) If the Regional Corporation fails to make any pay-^{Default}ment as required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(7) The Regional Corporation may by by-law provide^{Special rates} for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 9, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(8) With respect to any agreements entered into by any^{Agreements} municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 9, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(9) The Regional Corporation shall be responsible for^{Land drainage} undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

(10) Where the Regional Corporation undertakes a program^{Assumption of area municipality land drainage systems} provided for in subsection 9, the Regional Corporation

may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 5 and 6 shall apply thereto, *mutatis mutandis*.

Raising
of money
by area
municipality

(11) An area municipality, subject to the approval of the Regional Corporation, may,

- (a) pay the amounts chargeable to it under subsection 6 out of its general funds; or
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

s. 35,
amended

6. Section 35 of the said Act is amended by adding thereto the following subsection:

Power to
acquire real
property for
purpose of
leasing to
doctor or
dentist

(1a) Nothing in subsection 1 prevents any area municipality from acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical practitioner or dental practitioner on such terms and conditions as the council of such area municipality may determine, and such property may be leased for residential, clinical or office purposes or a combination thereof.

s. 48 (1),
amended

7.—(1) Subsection 1 of section 48 of the said Act is amended by striking out “2 to 7” in the sixth line and inserting in lieu thereof “5 and 11a”.

s. 48 (5) (b),
re-enacted

(2) Clause *b* of subsection 5 of the said section 48 is repealed and the following substituted therefor:

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.

- (3) The said section 48 is amended by adding thereto the ^{s. 48, amended} following subsection:

(5a) Every civilian employee and assistant of the Sudbury ^{Civilian employee retirement} Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.

8. Subsection 9 of section 53 of the said Act is amended by ^{s. 53 (9), amended} striking out "10" in the first line and inserting in lieu thereof "12".

9. Section 73 of the said Act is amended by adding thereto the ^{s. 73, amended} following subsection:

(3) No area municipality shall open up, establish or ^{Approval required to intersect regional road} assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

10. Section 91 of the said Act is amended by adding thereto the ^{s. 91, amended} following subsection:

(5a) The signature of the chairman or any other person ^{Idem} authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 11.—(1) Subsection 1 of section 115 of the said Act is amended ^{s. 115 (1), amended} by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

- (2) Subsection 8 of the said section 115 is amended by ^{s. 115 (8), amended} striking out "until" in the fourth line and inserting in lieu thereof "but may be amended or".

12. The said Act is amended by adding thereto the following ^{s. 115a, enacted} section:

115a.—(1) On and after the 1st day of January, 1974, ^{Application of R.S.O. 1970, c. 284} paragraphs 75, 126, 127, 128, 135, 136 and 137 of subsection 1 of section 354, paragraphs 6, 11, 12, 13 and 14 of section 364, paragraph 8 of subsection 1 of section 381

R.S.O. 1970,
c. 284

and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 383 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs.

Idem

(2) Section 246 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Deemed
municipality
for
R.S.O. 1970,
c. 332

(3) For the purposes of sections 63 and 64 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a municipality.

Deemed
municipality
for
R.S.O. 1970,
c. 273, s. 19

(4) For the purposes of section 19 of *The Milk Act*, the Regional Corporation shall be deemed to be a municipality and no area municipality shall exercise any powers under the said section.

s. 132 a,
enacted

13. The said Act is further amended by adding thereto the following section :

Acquiring
land for
parks, etc.

132a.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

R.S.O. 1970,
c. 384

Sale of
spirituous,
etc., liquors
in parks

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1970,
c. 250

Application
of
R.S.O. 1970,
c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a muni-
cipality under
R.S.O. 1970,
cc. 337, 73

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

Park lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
- (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*. R.S.O. 1970, c. 202

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payment in lieu of taxes

14. Paragraph 4 of Form 2 of the said Act is repealed.

Form 2, par. 4, repealed

15.—(1) This Act, except sections 3, 5, 6, 7, 8 and 11, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3, 5, 6, 7, 8 and 11 shall be deemed to have come into force on the 1st day of January, 1973. Idem

16. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1973*. Short title

CHAPTER 140

**An Act to amend
The Osgoode Hall Law School Scholarships
Act, 1968-69**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Osgoode Hall Law School Scholarships Act*, ^{s. 15, amended} 1968-69, being chapter 90, as amended by the Statutes of Ontario, 1972, chapter 70, section 1, is further amended by striking out "student ranking highest" in the eighth and ninth lines and inserting in lieu thereof "highest ranking student" and by inserting after "Senate" in the eleventh line "who wishes to pursue postgraduate study in law".
2. Section 15 of the said Act, as amended by section 1 of this ^{Application of s. 15} Act, applies in respect of the scholarship awarded in the year 1973 and subsequent years.
3. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
4. This Act may be cited as *The Osgoode Hall Law School Scholar- Short title ships Amendment Act, 1973*.

CHAPTER 141

An Act to amend The Public Libraries Act

Assented to December 4th, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Libraries Act*, being chapter 381 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 17, is further amended by striking out “or *The Ministry of Education Act*” in the second line and in the amendment of 1972. s. 1 (e),
amended
2. Section 10 of the said Act is repealed. s. 10,
repealed
- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 2 shall be deemed to have come into force on the 17th day of January, 1973. Idem
4. This Act may be cited as *The Public Libraries Amendment Act, 1973*. Short title

CHAPTER 142

**An Act to amend
The Financial Administration Act**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The Financial Administration Act*, being chapter 166 of the Revised Statutes of Ontario, 1970, is amended by striking out “and” at the end of clause *c*, by adding “and” at the end of clause *d* and by adding thereto the following clause:

(e) such other securities as may from time to time be authorized by the Lieutenant Governor in Council,

.

2. The said Act is amended by adding thereto the following section:

33a.—(1) In addition to all moneys authorized to be raised by way of loan by this or any other Act, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may borrow from time to time for any of the following purposes,

- (a) to discharge any indebtedness or obligation of Ontario;
- (b) to make any payment authorized or required by any Act to be made out of the Consolidated Revenue Fund;
- (c) to reimburse the Consolidated Revenue Fund for any moneys expended for any such purposes,

by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) applies, such sums not exceeding at any one time \$50,000,000, as the Treasurer considers necessary, either by way of bank overdraft or loan or in any other manner whatsoever.

Execution of
instruments

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 may be executed by the Treasurer in such manner as the Treasurer may determine.

s. 34 (2),
re-enacted

3. Subsection 2 of section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 55, section 5, is repealed and the following substituted therefor:

Authority
to sell
treasury bills

(2) Notwithstanding any other provisions of this Act, where the Lieutenant Governor in Council authorizes the raising of a loan by the issue and sale of interest bearing treasury bills or non-interest bearing treasury bills, the Lieutenant Governor in Council may authorize the Treasurer,

- (a) to determine the date of the issue and the date of maturity thereof, the rate of interest, if any, and the dates of repayment of interest, if any;
- (b) to sell any of such treasury bills for such price or prices and upon such terms and conditions as the Treasurer in his discretion may from time to time consider necessary; and
- (c) to issue and sell any of such treasury bills from time to time as may be subsequently required for the purposes provided in section 32, on the terms and in the manner provided herein without further authorization or approval of the Lieutenant Governor in Council.

Determina-
tion of
conditions of
issue by
Treasurer,
etc.,
authorized

(3) Notwithstanding any other provision of this Act, where an issue of securities is authorized, the Lieutenant Governor in Council may authorize the Treasurer, the Deputy Treasurer or other officer of the Ministry of Treasury, Economics and Intergovernmental Affairs,

- (a) to enter into an agreement on behalf of Ontario providing for the sale of such securities in a principal amount not exceeding an amount authorized by the Lieutenant Governor in Council;
- (b) to determine the rate or rates of interest, not exceeding the maximum rate or rates of interest authorized by the Lieutenant Governor in Council; and
- (c) to sell such securities for such price or prices, not less than the minimum price or prices author-

ized by the Lieutenant Governor in Council and upon such other terms and conditions as may be considered necessary.

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The Financial Administration* Short title
Amendment Act, 1973.

CHAPTER 143

**An Act to amend
The Homemakers and Nurses Services Act**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *c* and *d* of section 1 of *The Homemakers and Nurses Services Act*, being chapter 203 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:
 - (c) "Director" means a Director appointed for the purposes of this Act;
 - (d) "Minister" means the Minister of Community and Social Services.
2. Section 6 of the said Act is repealed and the following substituted therefor:
 6. The services of a homemaker may be furnished under this Act,
 - (a) for households in which there is a child who might otherwise be cared for in other than his own home during the absence, illness, convalescence or incapacity of his mother or other person in whose charge he is, where an adult is available to furnish any care that the child may require when the homemaker is not on duty; or
 - (b) for a person who is elderly, handicapped, ill or convalescent, in order that he may remain in his own home; or
 - (c) for households in which the standard of house-keeping requires improvement to avoid familial or financial difficulties which are likely to cause or contribute to dependency on public assistance.

s. 9 (2),
amended

- 3.** Subsection 2 of section 9 of the said Act is amended by striking out “with the approval of the regional welfare administrator” in the third and fourth lines.

s. 10,
amended

- 4.** Section 10 of the said Act is amended by inserting after “Act” in the second line “for the grants and subsidies payable under the regulations”.

s. 11,
amended

- 5.** Section 11 of the said Act is amended by adding thereto the following clauses:

(ca) providing for the payment of grants or subsidies and prescribing classes thereof, to persons, municipalities or other organizations or any class thereof towards the cost of courses of instruction for homemakers;

(cb) prescribing terms and conditions under which grants or subsidies or classes thereof shall be made under clause ca, the methods of determining the amounts of such grants or subsidies or classes thereof and providing for the manner in which such grants, subsidies or classes thereof shall be paid.

Commence-
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The Homemakers and Nurses Services Amendment Act, 1973*.

CHAPTER 144

**An Act to amend
The District Welfare Administration
Boards Act**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The District Welfare Administration Boards Act*, being chapter 132 of the Revised Statutes of Ontario, 1970, is amended by striking out "Social and Family Services" in the first and second lines and inserting in lieu thereof "Community and Social Services".
s. 1 (e),
amended
- 2.—(1) Subsection 4 of section 6 of the said Act is amended by inserting after "to" in the first line "subsections 10 and 10a and to".
s. 6 (4),
amended

(2) The said section 6, as amended by the Statutes of Ontario, 1972, chapter 1, section 21, is further amended by adding thereto the following subsection:

(10a) Where any municipality in the district did not exist in the immediately preceding year, the amount that the board estimates will be required from that municipality for the current year shall be in proportion to the amount, estimated by the board, of the assessment of the municipality for the current year, and the board shall in that case reapportion the amount and make the necessary adjustments in accordance with the revised equalized assessment of the municipality for the current year after such revision and equalization is completed.
Assessment
for new
municipi-
palities
3. This Act comes into force on the day it receives Royal Assent.
Commence-
ment
4. This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1973*.
Short title

CHAPTER 145

**An Act to amend
The Elderly Persons Centres Act**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Elderly Persons Centres Act*, <sup>s. 1 (f),
amended</sup> being chapter 140 of the Revised Statutes of Ontario, 1970, is amended by striking out "Social and Family Services" in the first and second lines and inserting in lieu thereof "Community and Social Services".
- 2.—(1) Subsection 1 of section 2 of the said Act, as re-enacted <sup>s. 2 (1),
amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 35, is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister".

(2) Subsection 2 of the said section 2 is amended by <sup>s. 2 (2),
amended</sup> striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", by striking out "a building" in the second line and inserting in lieu thereof "all or any part of a building or buildings" and by inserting after "premises" in the fifth line "or part thereof, as the case may be".

(3) Subsection 3 of the said section 2, as amended by the <sup>s. 2 (3),
amended</sup> Statutes of Ontario, 1972, chapter 158, section 2, is further amended by striking out "Lieutenant Governor in Council" in the second and third lines and inserting in lieu thereof "Minister".
- 3.—(1) Subsection 1 of section 8 of the said Act, as re- <sup>s. 8 (1),
amended</sup> enacted by the Statutes of Ontario, 1971, chapter 50, section 35, is amended by striking out "by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister" in the second, third and fourth lines and inserting in lieu thereof "or revoked by the Minister".

s. 8 (2),
amended

- (2) Subsection 2 of the said section 8 is amended by striking out “before recommending to the Lieutenant Governor in Council revocation of” in the third and fourth lines and inserting in lieu thereof “revoking”.

s. 8 (5),
amended

- (3) Subsection 5 of the said section 8 is amended by striking out “recommend revocation of” in the third line and inserting in lieu thereof “revoke”.

s. 10 (a),
repealed

- 4.** Clause *a* of section 10 of the said Act is repealed.

Commence-
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Elderly Persons Centres Amendment Act, 1973*.

CHAPTER 146

**An Act to amend
The District Municipality of Muskoka Act**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 21 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*". s. 21 (4),
amended
2. Section 65 of the said Act is amended by adding thereto s. 65,
amended the following subsection:

 (3) No area municipality shall open up, establish or assume Approval
required to
intersect
district road for public use any highway which intersects with or enters upon any highway in the district road system without the prior written approval of the District Corporation.
3. Subsection 16 of section 92 of the said Act is repealed and s. 92 (16),
re-enacted the following substituted therefor:

 (16) If an area municipality fails to make any payment Default as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the District Council determines from the date payment is due until it is made.
4. Section 106 of the said Act, as amended by the Statutes of s. 106,
amended Ontario, 1972, chapter 52, section 8, is further amended by adding thereto the following subsection:

 (5a) The signature of the chairman or any other person Idem authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section

and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- s. 130 (1),
amended
5. Subsection 1 of section 130 of the said Act is amended by striking out “and 24” in the second line and inserting in lieu thereof “24 and 46”.
- Form 2, par. 4,
repealed
6. Paragraph 4 of Form 2 of the said Act is repealed.
- Commence-
ment
7. This Act comes into force on the day it receives Royal Assent.
- Short title
8. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1973*.

CHAPTER 147

**An Act to amend
The Regional Municipality of Durham Act, 1973**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is amended by inserting after "Part" in the second line "and in subsection 1a of section 148 of *The Municipality of Metropolitan Toronto Act*". s. 2 (3),
amended
2. Subsection 5 of section 6 of the said Act is repealed and the s. 6 (5).
re-enacted following substituted therefor:

(5) Every person who held an office or appointment Appoint-
ments under any Act on the 31st day of December, 1973, in and for the County of Ontario or the United Counties of Northumberland and Durham shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for both the Judicial District of Durham and the County of Northumberland.

3. Section 52 of the said Act is amended by adding thereto s. 52.
amended the following subsection:

(3) No area municipality shall open up, establish or Approval
required to
intersect
regional road assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation.

4. Section 55 of the said Act is amended by adding thereto s. 55.
amended the following subsections:

(6) The Regional Corporation may by by-law provide for Special
rates imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a

water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising
of money
by area
municipality

(7) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

Purchase
of water

(8) The Regional Corporation may enter into a contract for the purchase of water from any adjoining regional or metropolitan municipality and no area municipality shall, after the 1st day of January, 1974, enter into any such contract with any municipality.

s. 57,
amended

- 5.** Section 57 of the said Act is amended by adding thereto the following subsection:

Contracts
for disposal
of sewage

(9) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, and no area municipality shall enter into any such contract with any municipality.

s. 62,
amended

- 6.** Section 62 of the said Act is amended by adding thereto the following subsection:

Land division
committee
to stand in
place of
committees
of
adjustment

(11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 67 (3) (a),
amended

- 7.** Clause *a* of subsection 3 of section 67 of the said Act is amended by inserting after "and" in the eighth line "on and after the 1st day of January, 1974, in respect of service after such date be entitled".

8. Section 77 of the said Act is amended by adding thereto the following subsection: s. 77, amended

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. Assets and liabilities

9. Subsection 5 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (5), re-enacted

(5) The final determination made under subsection 4 shall be forwarded forthwith to the Regional Corporation, The Municipality of Metropolitan Toronto and the municipalities or area municipalities directly concerned and to the Municipal Board and, unless the Regional Corporation, The Municipality of Metropolitan Toronto or the council of any such municipality or area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the Regional Corporation, The Municipality of Metropolitan Toronto, the municipality or area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by the Regional Corporation, The Municipality of Metropolitan Toronto and such municipalities or area municipalities. Idem R.S.O. 1970, c. 284

- 10.—(1) Subsection 1 of section 123 of the said Act is amended by inserting after “24” in the third line “46”. s. 123 (1), amended

- (2) Subsections 7 and 8 of the said section 123 are repealed and the following substituted therefor: s. 123 (7, 8), re-enacted

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality or the council of The Municipality of Metropolitan Toronto or the council of the Borough of Scarborough, as the case may be, as it affects such area municipality or The Municipality of Metropolitan Toronto or the Borough of Scarborough. By-laws

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any Idem

provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the area municipality, the council of The Municipality of Metropolitan Toronto, or the council of the Borough of Scarborough, as the case may be, which is successor to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, or to The Municipality of Metropolitan Toronto or to the Borough of Scarborough and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

s. 125,
amended

- 11.** Section 125 of the said Act is amended by adding thereto the following subsection:

Application
of s. 27

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

s. 134,
amended

- 12.** Section 134 of the said Act is amended by adding thereto the following subsections:

County of
Northumber-
land
incorporated

(5) On the 1st day of January, 1974, the inhabitants of the County of Northumberland together with the inhabitants of the Township of Hope and the Town of Port Hope are constituted a body corporate under the name of The Corporation of the County of Northumberland.

Membership
of county
council

(6) The members of council of the United Counties of Northumberland and Durham as it exists on the 31st day of December, 1973, whose membership derives from tenure of municipal office in a local municipality within the County of Northumberland, as constituted by subsection 5, shall, on and after the 1st day of January, 1974, continue in office as members of council for the County of Northumberland until the 31st day of December, 1974.

Agreement
successor
rights

(7) Where any agreement has been entered into by The Corporation of the United Counties of Northumberland and Durham, The Corporation of the County of Northumberland shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of The Corporation of the United Counties of Northumberland and Durham in so far as the agreement pertains to the County of Northumberland.

By-laws

(8) Every by-law of the United Counties of Northumberland and Durham as it exists on the 31st day of December,

1973, shall remain in force in the area of the County of Northumberland, as it exists on and after the 1st day of January, 1974, and may be amended or repealed by the council of the County of Northumberland as it affects such county.

- 13.** Section 140 of the said Act is amended by adding thereto ^{s. 140, amended} the following subsection:

(2) For the purposes of subsection 1, "Regional Corporation" shall be deemed to include The Municipality of Metropolitan Toronto and "area municipality" shall be deemed to include The Corporation of the Borough of Scarborough. ^{Interpre-}
^{tation}

- 14.** This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}

- 15.** This Act may be cited as *The Regional Municipality of Durham Amendment Act, 1973*. ^{Short title}

CHAPTER 148

An Act to amend The Assessment Act

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 1 of section 33 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is amended by striking out “4” in the first line and inserting in lieu thereof “3”. s. 33 (1) (c), amended

(2) The said section 33 is amended by adding thereto s. 33, amended the following subsection:

(16) Notwithstanding any provisions of this section to the contrary, where, as a result of making a proclamation under section 97, an assessment at market value is made of real property in any municipality or in territory without municipal organization comprised in a locality, the Lieutenant Governor in Council may by regulation, Re-enactment of table of rates

(a) prescribe rates in lieu of the rates in subsection 4 to be applied for the taxation of pipe lines in such municipality or territory;

(b) where two or more pipe lines occupy the same right of way, designate the second and subsequent pipe lines and prescribe the percentage of the rates as so prescribed at which the second and subsequent pipe lines are assessable and taxable,

and the rates and percentages of rates as so prescribed shall apply in such municipality and territory in the year in which taxation is first levied on the basis of the new assessment at market value resulting from such a proclamation and in each year thereafter, but the rates as so prescribed do not apply to taxation in any year prior to 1974.

s. 94,
amended

2. Section 94 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by striking out "January" in the fourth line and inserting in lieu thereof "October".

s. 95,
amended

3. Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by striking out "1974" in the second line and in the fifth line and inserting in lieu thereof in each instance "1976".

s. 96,
amended

4. Section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 20, is further amended by striking out "1974" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "1975".

s. 97 (4),
amended

- 5.—(1) Subsection 4 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2, is amended,

(a) by striking out " , during the year 1973," in the second line; and

(b) by striking out "1973" in the seventh line, the eleventh line and the twelfth line and inserting in lieu thereof in each instance "in which such named day occurs".

s. 97 (5),
amended

- (2) Subsection 5 of the said section 97 is amended,

(a) by striking out "during the year 1973" in the first and second lines;

(b) by striking out "August, 1973" in the seventh and eighth lines and inserting in lieu thereof "December in the year in which such named day occurs"; and

(c) by striking out "the year 1973" in the ninth line and in the sixteenth line and inserting in lieu thereof in each instance "such year".

s. 97 (6),
amended

- (3) Subsection 6 of the said section 97 is amended,

(a) by striking out " , during the year 1973," in the second line; and

(b) by striking out "1973" in the ninth line and inserting in lieu thereof "in which such named day occurs".

- 6.—(1) Section 5 of *The Assessment Amendment Act, 1971*, being <sup>1971, c. 79,
s. 5,
repealed</sup> chapter 79, is repealed.
- (2) Subsection 1 of section 14 of the said Act is amended <sup>s. 14 (1),
amended</sup> by striking out “5” in the first line.
- (3) Subsection 3 of the said section 14 is amended by <sup>s. 14 (3),
amended</sup> striking out “Sections 5 and 9 come” in the first line and inserting in lieu thereof “Section 9 comes”.
7. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
8. This Act may be cited as *The Assessment Amendment Act*, ^{Short title} 1973 (No. 2).

CHAPTER 149

**An Act to amend
The Justices of the Peace Act**

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Justices of the Peace Act*,^{s. 2 (2), amended} being chapter 231 of the Revised Statutes of Ontario, 1970, is amended by striking out "the judge of the county or district court" in the third and fourth lines and inserting in lieu thereof "a provincial judge of the provincial courts (criminal division)".
2. Sections 6 and 7 of the said Act are repealed and the follow-<sup>s. 6, re-enacted
s. 7, repealed</sup>ing substituted therefor:
 - 6.—(1) A justice of the peace acting within his territorial jurisdiction may exercise those powers and perform those^{Duties assigned by chief judges} duties conferred or imposed upon a justice of the peace by an Act of the Legislature or of the Parliament of Canada or by a municipal by-law when so directed by the chief judge of the provincial courts (criminal division) or the chief judge of the provincial courts (family division), or by a provincial judge designated by either of them.
 - (2) Subject to subsection 3, the chief judge of the pro-^{Direction and supervision}vincial courts (criminal division) or a provincial judge designated by him shall have general direction and supervision over the duties and sittings of justices of the peace.
 - (3) The chief judge of the provincial courts (family^{Idem} division) or a provincial judge designated by him shall have general direction and supervision over the duties and sittings of justices of the peace in respect of matters pertaining to the business of the provincial court (family division).
3. The said Act is amended by adding thereto the following^{s. 9, enacted} section:
 - 9.—(1) There shall be a Justices of the Peace Review^{Justices of the Peace Review Council} Council composed of,

- (a) the chief judge of the provincial courts (criminal division);
- (b) the chief judge of the provincial courts (family division); and
- (c) the senior provincial judge for the county or district concerned in the matter being considered by the Council.

Substitution
in absence of
senior judge

(2) The Attorney General may designate a provincial judge in a county or district to act as a member of the Justices of the Peace Review Council in the absence of the senior provincial judge in the county or district.

Functions
of Council

(3) The functions of the Justices of the Peace Review Council are,

- (a) to review the conduct of and performance of duties by justices of the peace in the county or district;
- (b) to receive complaints respecting the misbehaviour of or neglect of duty by justices of the peace in the county or district or their inability to perform their duties;
- (c) to take such action to investigate complaints as the Council considers advisable including the review thereof with the justice of the peace where appropriate, and after giving the justice of the peace an opportunity to be heard, to make such recommendations to the Attorney General with respect thereto as it sees fit.

Suspension
from duties

(4) Where an investigation of a complaint is undertaken under clause *c* of subsection 3, the chief judge of the provincial courts (criminal division) or the chief judge of the provincial courts (family division) may suspend the justice of the peace from the performance of his duties until the Attorney General otherwise directs.

Advising
Attorney
General

(5) The proceedings of the Justices of the Peace Review Council shall not be public, but it may inform and advise the Attorney General respecting matters that it has investigated or reviewed.

Powers

(6) For the purposes of an investigation under this section, the Justices of the Peace Review Council has the powers of a commission under Part II of *The Public Inquiries*

Act, 1971, which Part applies to the investigation as if it were an inquiry under that Act.

(7) No action or other proceeding for damages shall be^{Protection from liability} instituted against the Justices of the Peace Review Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty.

4. This Act comes into force on the 1st day of January, 1974.^{Commence-ment}
5. This Act may be cited as *The Justices of the Peace Amendment Act, 1973*.^{Short title}

CHAPTER 150

An Act to amend The Executive Council Act

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Executive Council Act*, ^{s. 3 (1), re-enacted} being chapter 153 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 3, is repealed and the following substituted therefor:
 - (1) The annual salary of every minister with portfolio ^{Salaries} is \$18,000.
 - (2) Subsection 2 of the said section 3 is amended by striking ^{s. 3 (2), amended} out “\$5,000 per annum” in the second and third lines and inserting in lieu thereof “\$7,000 per annum”.
 - (3) Subsection 3 of the said section 3 is amended by striking ^{s. 3 (3), amended} out “\$5,000” in the second line and inserting in lieu thereof “\$7,500”.
2. The said Act is amended by adding thereto the following ^{s. 3a. enacted} section:

3a.—(1) Every minister of the Crown with portfolio ^{Cost of accommodation in Toronto} whose principal residence is outside The Municipality of Metropolitan Toronto shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,000 in any year.

(2) Every Parliamentary Assistant shall be paid the ^{Expenses of Parliamentary Assistants} expenses actually and reasonably incurred by him in carrying out his duties as a Parliamentary Assistant.
3. This Act comes into force on the 1st day of January, 1974. ^{Commencement}
4. This Act may be cited as *The Executive Council Amendment* ^{Short title Act, 1973.}

CHAPTER 151

An Act to amend The Legislative Assembly Act

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by striking out “\$12,000” in the first line and inserting in lieu thereof “\$15,000”. <sup>s. 60 (1),
amended</sup>
- (2) Subsection 2 of the said section 60 is amended by striking out “\$6,000” in the first line and inserting in lieu thereof “\$7,500”. <sup>s. 60 (2),
amended</sup>
- (3) Subsection 5 of the said section 60 is amended by striking out “\$1,000” in the fourth line and inserting in lieu thereof “\$1,250”. <sup>s. 60 (5),
amended</sup>
2. Section 61 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 4, is repealed and the following substituted therefor: <sup>s. 61,
re-enacted</sup>

61. In addition to his indemnity and allowance for expenses as a member there shall be paid an allowance for the expenses of representation, <sup>Allowance
for expenses
of representa-
tion</sup>

- (a) to the Premier, at the rate of \$4,500 per annum;
- (b) to the Leader of the Opposition, at the rate of \$3,000 per annum;
- (c) to the Speaker, at the rate of \$2,000 per annum;
and
- (d) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$1,500 per annum.

s. 62 (1),
re-enacted

3. Subsection 1 of section 62 of the said Act is repealed and the following substituted therefor:

Indemnity;
of Speaker,
Leader of
Opposition
and leader of
a minority
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$9,000 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$18,000 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$5,000 per annum.

s. 62a,
enacted

4. The said Act is amended by adding thereto the following section:

Cost of
accommoda-
tion in
Toronto

62a.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,000 in any year.

Idem

(2) Where the principal residence of the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,000 in any year.

s. 63,
re-enacted

5. Section 63 of the said Act is repealed and the following substituted therefor:

Chairman
and Deputy
Chairman of
Whole House
and chairmen
of standing
committees,
indemnity

63.—(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$5,000 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$3,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$2,000 per annum.

(2) Every indemnity under this section shall be paid ^{When paid} on the 31st day of March in each year, but when the person occupying such position ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith.

6. Subsection 1 of section 64 of the said Act is repealed and ^{s. 64 (1), re-enacted} the following substituted therefor:

(1) In addition to his indemnity as a member, an in- ^{Whips, indemnities} demnity shall be paid,

(a) to the Chief Government Whip, at the rate of \$5,000 per annum;

(b) to the Deputy Government Whip, at the rate of \$3,000 per annum;

(c) to each of not more than three Government Whips, at the rate of \$2,000 per annum;

(d) to the Chief Opposition Whip, at the rate of \$3,000 per annum;

(e) to each of not more than two Opposition Whips, at the rate of \$2,000 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of \$2,500 per annum, and

(ii) to the Party Whip of the party, at the rate of \$2,000 per annum.

7. Section 65 of the said Act is repealed and the following sub- ^{s. 65, re-enacted} stituted therefor:

65.—(1) There shall be paid to each member of the ^{Members' mileage allowance} Assembly for transportation by private automobile while on business as a member of the Assembly between the member's residence and the seat of government at Toronto or within his electoral district an allowance of 15 cents for every mile of such transportation.

(2) Where a member of the Assembly travels between ^{Expenses, air travel} his residence and the seat of government at Toronto while

on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by scheduled airline economy flight, on not more than fifty-two round trips for the member in any year, four of which may be used for such round trip travel for the member's spouse.

train and
bus

(3) Where a member of the Assembly travels between his residence and the seat of government at Toronto while on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by first class train accommodation or bus on any number of round trips for the member and not more than four such round trips for the member's spouse in any year and the actual and reasonable cost of berths, meals and gratuities incurred in the course of such transportation.

within
electoral
district

(4) There shall be paid to each member of the Assembly an allowance equal to the actual cost of travel by bus or train by the member while on business as a member of the Assembly within the electoral district represented by the member.

air travel
within
certain
electoral
districts

(5) The members of the Assembly representing the electoral districts of Cochrane North, Kenora, Rainy River and Thunder Bay shall each be paid the actual cost of transportation by airplane within such electoral districts not exceeding \$2,500 to each of them in any year.

air travel
from
residence or
seat of
government
in Ontario

(6) There shall be paid to each member of the Assembly the actual cost of the member's round trip economy flight by scheduled airline while travelling on business as a member of the Assembly on not more than six such round trips within Ontario in any year from the member's residence or the seat of government at Toronto.

accommoda-
tion

(7) There shall be paid to each member of the Assembly other than,

- (a) the Ministers of the Crown with portfolio;
- (b) the Speaker;
- (c) the Leader of the Opposition;
- (d) the leader of a party, other than the Premier or the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly; and
- (e) members representing the electoral districts within The Municipality of Metropolitan Toronto,

the actual cost of accommodation while attending as members of the Assembly at the seat of government at Toronto not exceeding \$3,000 in any year.

(8) A member is not entitled to any allowance for expenses incurred by him after the day a writ for a general election is issued until he is declared elected or, if a recount is applied for, until he is declared elected following the recount.

No expenses following writ of election

8. The said Act is amended by adding thereto the following section: s. 67, enacted

67. A member of the Assembly,

Severance allowance

(a) who is a candidate for re-election at a general election of members of the Assembly and who having been renominated by the party of which he is a member is not re-elected; or

(b) who is unable to accept the nomination of his party to be a candidate at a general election of members of the Assembly as a result of a substantial change in the boundaries of the electoral district represented by the member or where such electoral district ceases to exist,

shall be paid a severance allowance equal to one-quarter of his annual indemnity as a member at the rate in force immediately before the calling of the general election.

9.—(1) This Act, except sections 2, 3, 4, 5, 6, 7 and 8, shall be deemed to have come into force on the 1st day of October, 1973. Commencement

(2) Sections 2, 3, 4, 5, 6, 7 and 8 come into force on the 1st day of January, 1974. Idem

10. This Act may be cited as *The Legislative Assembly Amendment Act, 1973*. Short title

CHAPTER 152

The Legislative Assembly Retirement Allowances Act, 1973

*Assented to December 4th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “allowance” means an allowance under this Act;
- (b) “member” means a member of the Assembly;
R.S.O. 1970, c. 241, s. 1, cls. *a*, *c*.
- (c) “Minister” means the Minister of Government Services or such other member of the Executive Council as the Lieutenant Governor in Council may designate; *New*.
- (d) “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. R.S.O. 1970, c. 241, s. 1, cl. *g*, *amended*.

2. This Act shall be administered by the Minister. R.S.O. 1970, c. 241, s. 2; 1972, c. 1, s. 75. Administra-
tion of Act

PART I

3. In this Part,

Interpre-
tation

- (a) “indemnity” means the indemnity payable to a person as a member under *The Legislative Assembly Act*; R.S.O. 1970,
c. 240
- (b) “minister” means a member of the Executive Council, and includes for the purposes of Part I a parliamentary assistant, the Speaker, the Leader of the Opposition and any member who was formerly a member of the Executive Council, a

parliamentary assistant, the Speaker or the Leader of the Opposition;

(c) "salary" means,

R.S.O. 1970,
c. 153

(i) the annual salary paid to a minister or a parliamentary assistant under *The Executive Council Act*, or

R.S.O. 1970,
c. 240

(ii) the additional indemnity of the Speaker or the Leader of the Opposition under *The Legislative Assembly Act*;

(d) "service" means service as a member or as a minister, as the case may be, for which indemnity or salary was paid. R.S.O. 1970, c. 241, s. 1, cls. *b, d, e, f*, amended.

Application
of Part

4. This Part applies to a person who is a member on the day this Act comes into force and a person who was a member before such date, but does not apply to a member who has elected to contribute under Part II. *New.*

Current con-
tributions,
members

5.—(1) There shall be deducted from the indemnity payable to a member an amount equal to 6 per cent thereof as such member's contribution under this Act.

Maximum
contribu-
tions,
members

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the indemnity of a member after the total amount contributed by him is sufficient to provide an allowance equal to the amount of his indemnity. R.S.O. 1970, c. 241, s. 4.

Eligibility
for allow-
ance,
members

6.—(1) A member who has contributed in respect of five or more years of service and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a member.

Idem

(2) Where a person is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years, he may elect to take an allowance under subsection 3 at age fifty-five or an immediate allowance of a reduced amount under subsection 4.

Calculation
of allowance
at age 55,
members

(3) The amount of a person's annual allowance under this section shall be an amount equal to 75 per cent of the total of his contributions as a member, but the amount of his allowance shall not exceed the amount of his indemnity.

(4) Where a person who is otherwise eligible for an allowance under this section, but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the tables prescribed by the regulations. Calculation of allowance under age 55, members

(5) Subsection 1 applies to persons who are or were members on or after the 23rd day of July, 1968, and, in the case of persons who were members before such date but are or were not members after such date, section 6 of *The Legislative Assembly Retirement Allowances Act* as it was in force immediately before such date applies. R.S.O. 1970, c. 241, s. 6. Application of subs. 1 R.S.O. 1970, c. 241

7.—(1) An allowance under section 6 shall be suspended while the person entitled thereto is a member. R.S.O. 1970, c. 241, s. 7 (1), *amended*. Suspension of allowance, members

(2) Where a person whose allowance has been suspended under subsection 1 again ceases to be a member, his allowance shall be recalculated under section 6 having regard to any additional service as a member performed while his allowance was suspended. R.S.O. 1970, c. 241, s. 7 (2). Recalculation of allowance, members

8.—(1) There shall be deducted from the salary payable to a minister an amount equal to 6 per cent thereof as such minister's contribution under this Part. R.S.O. 1970, c. 241, s. 8 (1), *amended*. Current contributions, ministers

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the salary of a minister after the total amount contributed by him is sufficient to provide an allowance equal to one-half the annual salary of a minister having charge of a ministry. R.S.O. 1970, c. 241, s. 8 (2); 1972, c. 1, s. 2. Maximum contributions, ministers

9.—(1) A minister who has contributed under section 8 or 25 and who has contributed in respect of five or more years of service as a member and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a minister and a member. Eligibility for allowance, ministers

(2) Where a person is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years, he may elect to take an allowance under subsection 3 at age fifty-five or an immediate allowance of a reduced amount under subsection 4. Idem

Calculation
of allowance
at age 55,
ministers

(3) The amount of a person's annual allowance under this section shall be an amount equal to 75 per cent of the total of his contributions as a minister, but the amount of his allowance shall not exceed one-half of the salary of a minister having charge of a ministry.

Calculation
of allowance
under age 55,
ministers

(4) Where a person who is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the tables prescribed by the regulations.

Application
of subs. 1

(5) Subsection 1 applies to persons who are or were ministers on or after the 23rd day of July, 1968, and, in the case of persons who were ministers before such date but are or were not ministers after such date, section 6 of *The Legislative Assembly Retirement Allowances Act* as it was in force immediately before such date applies. R.S.O. 1970, c. 241, s. 10; 1972, c. 1, s. 2.

R.S.O. 1970,
c. 241

Suspension
of allowance,
ministers

10.—(1) An allowance under section 9 shall be suspended while the person entitled thereto is a member. R.S.O. 1970, c. 241, s. 11 (1), *amended*.

Recalcula-
tion of
allowance,
ministers

(2) Where a person whose allowance has been suspended under subsection 1 again ceases to be a member, his allowance shall be recalculated under section 9 having regard to any additional contributory service as a minister performed while his allowance was suspended. R.S.O. 1970, c. 241, s. 11 (2).

Spouse's
allowance

11.—(1) The spouse of a person who at the time of his or her death was in receipt of an allowance, or who was entitled to an allowance or whose allowance has been suspended under section 7 or 10, shall be paid during his or her lifetime an allowance equal to one-half of the allowance that the person was receiving at the date of his or her death or to which he or she was entitled or that was suspended and recalculated under section 7 or 10, as the case may be.

Idem

(2) The spouse of a person,

(a) who had elected under section 6 or 9 to take a deferred allowance at age fifty-five; or

(b) who was eligible to make an election under section 6 or 9 but died before making such election; or

- (c) who died before attaining the age of fifty-five years while still contributing and who was otherwise eligible for an allowance,

at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have attained the age of fifty-five had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance to which the person would have been entitled at that time, or the spouse may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance, reduced actuarially in accordance with the prescribed tables, that the person would have been entitled to receive at the time of the spouse's election.

(3) Subsections 1 and 2 do not apply to the spouse of ^{Exception} a person,

- (a) if the spouse married the person after he or she attained the age of sixty-five years and the person died within one year of the marriage;
- (b) if the spouse married the person after he or she was in receipt of the allowance; or
- (c) after the spouse remarries. R.S.O. 1970, c. 241, s. 12, *amended*.

12.—(1) A person who makes contributions under this ^{Refunds} Part and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, the same refund shall be paid to his personal representative.

(2) Where a person who is in receipt of an allowance ^{Idem} dies and no person becomes entitled to an allowance under section 11, a refund shall be paid to his personal representative equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death. R.S.O. 1970, c. 241, s. 13, *amended*.

(3) A refund under subsection 1 to a former contributor ^{Application} shall be made only after the Minister receives an application therefor in writing from the former contributor. *New*.

Reinstatement after refund

13. A person who has received a refund under subsection 1 of section 12 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid. R.S.O. 1970, c. 241, s. 14.

PART II

Interpretation

14. In this Part,

(a) "average annual remuneration" means the average annual remuneration of a person during any five fiscal years of his service, which years need not be consecutive, during which his remuneration was highest;

R.S.O. 1970,
cc. 240, 153

(b) "remuneration" means the indemnity paid to a person as a member under *The Legislative Assembly Act* together with all other indemnities and salaries paid to such person under that Act and *The Executive Council Act*;

(c) "service" means service in respect of which contributions have been made,

(i) under this Part, and

(ii) under Part I in the case of a member who has made an election under section 16. *New.*

Application of Part

15. This Part applies to a member who becomes a member after the day this Act comes into force and to any member who is a member on that day and who elects to contribute under this Part. *New.*

Option of present members, guarantee

16.—(1) A member who was a member on the day this Act comes into force may elect to contribute under this Part by giving notice in writing to the Minister within one year after such day, and, upon the effective date of such election, Part I ceases to apply to him and his contributions thereafter shall be in accordance with this Part, provided that when a member or his or her spouse becomes entitled to an allowance, the allowance shall be computed, subject to subsections 2, 3, 4 and 5, under Part I and Part II and the member or his or her spouse is entitled to the highest allowance so computed.

Calculation under Part I

(2) A person who becomes entitled to an allowance under Part II may elect to have the calculation of his annual allowance under Part I based on,

(a) the contributions the member would have made if he had continued to contribute under Part I; or

(b) the amount calculated under clause *a* plus the annual amount of an annuity that would be provided, in accordance with the regulations, by the amount of the difference between the member's contributions under Part I and Part II in relation to his indemnity and salary as defined in Part I.

(3) When a person becomes entitled to an allowance under Part II and the member's age at the time of his retirement or death, as the case may be, is less than fifty-five years, the allowance under Part I shall be calculated as an immediate allowance of a reduced amount in accordance with such age. Allowance where member under 55 years

(4) Where a member has elected to contribute under Part II and the person entitled to an allowance elects to receive an allowance under Part I as calculated under clause *a* of subsection 2, the person shall receive a refund of the amount of the difference between the member's contributions under Part I and Part II in relation to his indemnity and salary as defined in Part I. Refund of certain contributions

(5) Where a member has elected to contribute under Part II and the person entitled to an allowance elects to receive an allowance under Part I, the person shall receive a refund of any contributions made under Part II in relation to any part of the member's remuneration that is not included in the member's indemnity and salary as defined in Part I. *New.* Idem

17. There shall be deducted from the remuneration payable to a member an amount equal to 7 per cent thereof as such member's contribution under this Part. *New.* Contributions

18.—(1) A person who has contributed in respect of at least five years of service and who has credit in the Legislative Assembly Retirement Allowances Account for a number of years of service that, when added to his age on the date he ceases to be a member, totals at least sixty years, is entitled to an annual allowance during his lifetime upon his ceasing to be a member. Eligibility for allowance, member

(2) Where a person who has contributed in respect of at least five years of service but has not satisfied the sixty year rule in subsection 1 on the date he ceases to be a Deferred or reduced allowance

member, he may elect to take a deferred annual allowance under subsection 3 at the age when he does satisfy such rule or an immediate annual allowance of a reduced amount under subsection 4.

Calculation
of allowance

(3) The amount of a person's annual allowance under this section shall be an amount equal to the sum of,

- (a) 4 per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit up to and including the first ten years of such service; and
- (b) 3 per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit over ten years and up to and including twenty years of such service; and
- (c) $2\frac{1}{2}$ per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit over twenty years and up to and including twenty-two years of such service,

but the amount of his allowance shall not exceed 75 per cent of his average annual remuneration.

Computation
of reduced
allowance

(4) Where a person who has contributed in respect of at least five years of service but has not satisfied the sixty year rule elects to take an immediate annual allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the tables prescribed by the regulations.

Where
service less
than five
fiscal years

(5) Where a person who is entitled to an allowance has been a contributor for less than five fiscal years, the allowance shall be based upon his average annual remuneration during the fiscal years that he was a contributor.
New.

Part of
a year

(6) Where a calculation under this section involves part of a year, the calculation in respect of that part shall be made on a monthly basis, and,

- (a) any part of a month less than fifteen days shall be disregarded; and
- (b) any part of a month not less than fifteen days shall be deemed to be a month.

19.—(1) Where a person who is receiving an allowance^{Spouse's allowance} dies leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to one-half of the allowance that the person was receiving at the date of his or her death.

(2) Where a member dies leaving a spouse, the spouse^{Computation of allowance} shall be paid during his or her lifetime an allowance equal to the greater of,

- (a) 25 per cent of the annual indemnity of the member in effect immediately before his or her death; or
- (b) one-half of the allowance that the member had earned to the date of his or her death computed in the manner provided in section 18 but based on the deceased's service to the time of his or her death.

(3) The spouse,

Option

- (a) of a person who had elected under section 18 to take a deferred allowance at the age when he or she would satisfy the sixty-year rule but who died before satisfying such rule; or
- (b) of a person who was eligible to make an election to take a deferred or an immediate allowance under section 18 but died before making such election,

at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have satisfied the sixty-year rule had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance to which the person would have been entitled at that time, or may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance, reduced actuarially in accordance with the tables prescribed by the regulations, which the person would have been entitled to receive at the time of the spouse's election.

(4) Subsections 1, 2 and 3 do not apply to the spouse^{Exception} of a person,

- (a) if the spouse married the person after he or she attained the age of sixty-five years and the person died within one year of the marriage;

(b) if the spouse married the person after he or she was in receipt of an allowance; or

(c) after the spouse remarries. *New.*

Suspension
of allowance

20.—(1) An allowance under section 18 shall be suspended while the person entitled thereto is a member.

Recalcula-
tion of
allowance

(2) Where a person whose allowance has been suspended under subsection 1 again ceases to be a member, his allowance shall be recalculated under section 18 having regard to any additional contributory service as a member performed while his allowance was suspended. *New.*

Refunds

21.—(1) A person who makes contributions under this Part and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, the same refund shall be paid to his personal representative.

Idem

(2) Where a person who is in receipt of an allowance dies and no person becomes entitled to an allowance under section 19, his personal representative is entitled to a refund equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death.

Application

(3) A refund under subsection 1 to a former contributor shall be made only after the Minister receives an application therefor in writing from the former contributor. *New.*

Reinstatement
after
refund

22. A person who has received a refund under subsection 1 of section 21 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid. *New.*

PART III

Service as
member of
House of
Commons

23.—(1) Where a former member of the House of Commons of Canada is a contributor under this Act and provided he is not entitled to or receiving an allowance in respect of his service as a member of the House of Commons of Canada, he may count such service for the purposes of

this Act if he pays into the Legislative Assembly Retirement Allowances Account an amount equal to the amount he received as a refund of his contributions to the account maintained to provide superannuation benefits for members of the House of Commons of Canada, with interest at the rate of 6 per cent per annum.

(2) Where an amount is paid into the Account under subsection 1, a contributor under Part 1 is entitled to have such amount, exclusive of interest, credited to his contributions under Part I, and a contributor under Part II is entitled to count, for the purposes of Part II, the period of service represented by the amount paid into the Account. *New.*

24.—(1) A member who was not a member on the 1st day of April, 1960, may, within ninety days from the day upon which the Assembly first is in session after he becomes a member, elect in writing to contribute under this Act in respect of any part of any period of service as a member previous to the 1st day of April, 1960, but the period or periods shall be chosen retrogressively from the date of such election. Credit under Part I or II
Previous service, members' election

(2) A member who elects to contribute in respect of a period of previous service as a member shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a member had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made. Establishment of credit, members

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection. Instalment payments, members

(4) Where a member who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding. R.S.O. 1970, c. 241, s. 5. Idem

25.—(1) A minister who was not a minister on the 1st day of April, 1960, may, within ninety days from the day upon which he becomes a minister, elect in writing to contribute under this Act in respect of any part of any period of service as a minister previous to the 1st day of April, 1960, but the period or periods shall be chosen retrogressively from the date of such election. Previous service, minister's election

Establishment of credit, ministers

(2) A minister who elects to contribute in respect of a period of previous service as a minister shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a minister had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment payments, ministers

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a minister who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding. R.S.O. 1970, c. 241, s. 9.

Payments into and out of Consolidated Revenue Fund

26. All contributions and interest received under this Act, shall be credited to the Consolidated Revenue Fund and all payments of allowances and refunds and interest are a charge against the Consolidated Revenue Fund. R.S.O. 1970, c. 241, s. 15.

Special account

27.—(1) The Treasurer shall establish in the Consolidated Revenue Fund an account to be known as the Legislative Assembly Retirement Allowances Account in which shall be entered all receipts and disbursements under this Act.

Annual payments into special account

(2) The Treasurer shall pay annually from the Consolidated Revenue Fund into the Legislative Assembly Retirement Allowances Account such sum as the Lieutenant Governor in Council may direct to assist in defraying the cost of allowances under this Act. R.S.O. 1970, c. 241, s. 16.

Application of R.S.O. 1970, c. 387

28. Section 32 of *The Public Service Superannuation Act* applies *mutatis mutandis* to any moneys payable to any person under this Act. R.S.O. 1970, c. 241, s. 17.

Recipients of allowances, etc., not disqualified R.S.O. 1970, c. 240

29. Notwithstanding anything in *The Legislative Assembly Act* or any other Act, the application of this Act to a person does not render him ineligible as a member of the Assembly or disqualify him from sitting and voting therein. R.S.O. 1970, c. 241, s. 18.

Teachers' rights not affected

R.S.O. 1970, c. 455

30. Notwithstanding subclause xv of clause *e* of section 1 of *The Teachers' Superannuation Act*, this Act does not affect the rights of a member under *The Teachers' Superannuation Act*. R.S.O. 1970, c. 241, s. 19.

31. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) respecting the manner and times of payment of instalments under subsection 3 of section 24 and subsection 3 of section 25;
- (b) prescribing tables for the purposes of subsection 4 of section 6, subsection 4 of section 9, subsection 4 of section 18 and subsection 3 of section 19. R.S.O. 1970, c. 241, s. 20, *amended*.
- (c) respecting annuities under clause *b* of subsection 2 of section 16. *New*.

32.—(1) *The Legislative Assembly Retirement Allowances* ^{Repeal} *Act*, being chapter 241 of the Revised Statutes of Ontario, 1970, is repealed.

(2) Section 75 of *The Government Reorganization Act, 1972*, ^{Idem} being chapter 1, is repealed.

33. This Act shall be deemed to have come into force ^{Commence-} on the 1st day of October, 1973. ^{ment}

34. This Act may be cited as *The Legislative Assembly* ^{Short title} *Retirement Allowances Act, 1973*.

CHAPTER 153

An Act to amend The Income Tax Act

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, ^{s. 3 (3) (h), re-enacted} being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 1, is repealed and the following substituted therefor:

(*h*) 30.5 per cent in respect of the 1972, 1973 and 1974 taxation years.

- 2.—(1) Clause *f* of subsection 1 of section 6*b* of the said Act, ^{s. 6*b* (1) (f), amended} as re-enacted by the Statutes of Ontario, 1973, chapter 21, section 2, is amended by striking out “or” at the end of subclause ii, by inserting “or” at the end of subclause iii and by adding thereto the following subclause:

(iv) an individual, or a member of the family of such individual, on active military service as a member of the armed forces of a country other than Canada and was not a Canadian citizen.

- (2) Subsection 2 of the said section 6*b*, as re-enacted by ^{s. 6*b* (2), re-enacted} the Statutes of Ontario, 1972, chapter 146, section 2, is repealed and the following substituted therefor:

(2) Every individual resident in Ontario on the last day ^{Tax Credits} of the taxation year may deduct from the tax otherwise payable by him under this Act the amount not in excess of \$400 by which the aggregate of the tax credits that are described in clauses *a*, *b* and *c* and to which he is entitled exceeds 1 per cent of his taxable income for the taxation year,

- (a) where the individual is a principal taxpayer, a tax credit equal to the sum of,
 - (i) the lesser of his occupancy cost for the taxation year or \$90, and
 - (ii) an amount equal to 10 per cent of his occupancy cost for the taxation year;
 - (b) a tax credit of an amount equal to 1 per cent of the total of those deductions that are authorized by section 109 of the Federal Act or by paragraphs *e*, *e.1*, *g* and *h* of subsection 1 of section 110 of that Act and that have been claimed by the individual entitled to claim them in his return filed in accordance with the Federal Act, but the tax credit described in this clause may not be claimed by an individual,
 - (i) who, on the last day of the taxation year, is an individual described in subclause i, iii or iv of clause *f* of subsection 1, or
 - (ii) with respect to whom any other taxpayer resident in Ontario on the last day of the taxation year has, in computing his taxable income under the Federal Act, claimed in his return filed in accordance with that Act a deduction authorized by paragraph *a*, *b*, *d*, *e*, *f* or *g* of subsection 1 of section 109 of that Act for any portion of the taxation year,
- and
- (c) a tax credit of \$100 where the individual is sixty-five years of age or older on the last day of the taxation year and is either,
 - (i) a principal taxpayer, or
 - (ii) the spouse of a principal taxpayer who is not sixty-five years of age or older on the last day of the taxation year.

s. 6*b* (5),
amended

- (3) Subsection 5 of the said section 6*b*, as re-enacted by the Statutes of Ontario, 1973, chapter 21, section 2, is amended by striking out "a principal taxpayer" in the first and second lines and inserting in lieu thereof "an individual", and by striking out "principal taxpayer" in the sixth and seventh lines, in the eleventh line, in the fourteenth and fifteenth lines, and in the eighteenth line and inserting in lieu thereof in each instance "individual".

- 3.**—(1) This Act, except section 2, comes into force on the day it ^{Commence-}_{ment} receives Royal Assent.
- (2) Section 2 shall be deemed to have come into force on the ^{Idem} 1st day of January, 1973 and applies to the 1973 and subsequent taxation years.
- 4.** This Act may be cited as *The Income Tax Amendment Act*, ^{Short title} 1973 (No. 2).

CHAPTER 154

**An Act to permit
Municipalities to grant assistance to
Elderly Residents**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "municipality" means a city, town, village and township;
- (b) "owner" means a person assessed as the owner of residential real property.

2.—(1) The council of a municipality may pass by-laws authorizing and directing the treasurer of the municipality to allow owners of residential real property in the municipality a uniform credit in an amount to be determined by the council of the municipality, against the real property taxes imposed by the municipality in respect of such real property, provided that,

By-law
authorizing
tax credit

- (a) such owner or the spouse of such owner or both occupies or occupy the property in respect of which real property taxes are imposed as his, her or their personal residence;
- (b) such owner or the spouse of such owner or both has or have attained the age of sixty-five years or such greater age as the by-law may provide;
- (c) such owner or the spouse of such owner or both has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit; and

(d) no such credit shall be allowed to an owner in respect of more residential real property than one single family dwelling unit in any year.

Additional
requirement
for
qualification

(2) A by-law passed by the council of a municipality under this Act may provide that, notwithstanding subsection 1, no owner who otherwise qualifies under subsection 1, shall receive a credit unless such owner or the spouse of such owner or both is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1970,
c.O-6

- Repeals
3. The following are repealed:
1. Section 2 of *The City of Hamilton Act, 1966*, being chapter 171.

2. Section 1 of *The City of Hamilton Act, 1967*, being chapter 115.

3. Sections 1 and 2 of *The City of Hamilton Act, 1968*, being chapter 152.

4. *The City of Peterborough Act, 1970*, being chapter 162.

5. *The City of Peterborough Act, 1971*, being chapter 122.

6. Section 10 of *The City of Toronto Act, 1971*, being chapter 130.

7. Section 6 of *The City of Toronto Act, 1972*, being chapter 198.

8. *The Town of Aurora Act, 1972*, being chapter 174.

9. *The Town of Preston Act, 1972*, being chapter 187.

Commence-
ment

4. This Act comes into force on the 1st day of January, 1974.

Short title

5. This Act may be cited as *The Municipal Elderly Resident's Assistance Act, 1973*.

CHAPTER 155

**An Act to amend The Regional
Municipality of Haldimand-Norfolk
Act, 1973**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: s. 1,
re-enacted

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Township of Delhi, the City of Nanticoke, the Town of Dunnville, the Town of Haldimand, the Town of Simcoe and the Township of Norfolk, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right

or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" until the 1st day of April, 1974, means any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 95;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of April, 1974, means the area included within the counties of Haldimand and Norfolk, and
 - (ii) on and after the 1st day of April, 1974, means the area from time to time included within the area municipalities;

- (p) "Regional Corporation" means, subject to subsection 7 of section 6, The Regional Municipality of Haldimand-Norfolk;
- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

2. Section 2 of the said Act is amended by adding thereto the ^{s. 2,} following subsection: ^{amended}

(1a) The portion of the Township of Middleton described as follows is annexed to the Town of Tillsonburg on the 1st day of April, 1974: ^{Portion of Middleton annexed to Tillsonburg}

COMMENCING at the northwest angle of the Township of Middleton;

THENCE southerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the Township of Middleton;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the point of commencement.

3. The said Act is amended by adding thereto the following ^{s. 28a,} section: ^{enacted}

28a.—(1) Where the Regional Corporation or a local ^{Pensions} board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof, or by the County of Norfolk or a local board thereof, the Regional Corporation or a local

board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Sick leave
credits

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of July, 1973, was employed

by the County of Haldimand or by any local board thereof or by the County of Norfolk or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of March, 1974.

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of March, 1975, of not less than he was receiving on the 1st day of July, 1973. Entitlement to salary

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. Application of R.S.O. 1970, c. 324

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of July, 1973, and who continue to be so employed until the 31st day of March, 1974, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of March, 1975, not less than he was receiving on the 1st day of July, 1973. Offer of employment

(9) Any sick leave credits standing on the 31st day of March, 1974, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. Sick leave credits

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. Holidays

(11) Where under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. Pension rights and sick leave credits

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Parts III-X
(ss. 29-146),
enacted

4. The said Act is amended by adding thereto the following Parts:

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

29. In this Part,

(a) “approved” means approved by the Minister or of a type approved by the Minister;

(b) “construction” includes reconstruction;

(c) “maintenance” includes repair;

(d) “Minister” means the Minister of Transportation and Communications;

(e) “Ministry” means the Ministry of Transportation and Communications;

(f) “road authority” means a body having jurisdiction and control of a highway.

County roads
to constitute
regional road
system

30.—(1) On and after the 1st day of April, 1974, all roads on the 31st day of March, 1974, under the jurisdiction and control of the County of Haldimand and the County of Norfolk, within the Regional Area, shall constitute the regional road system, excluding that portion of the Township of Middleton described in subsection 1a of section 2 annexed to the Town of Tillsonburg.

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county or regional municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

R.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of roads in regional road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of roads from regional road system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads removed from system

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Status of land acquired for widening regional road

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Idem

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Consolidating by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

Approval of by-laws

(11) *The Regulations Act* does not apply to an order in council made under this section.

Application of R.S.O. 1970, c. 410

Plans of
construction
and
maintenance

(12) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of
information
to Minister

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures

R.S.O. 1970,
c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Power
over roads
assumed

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Haldimand or The Corporation of the County of Norfolk or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Haldimand or the County of Norfolk or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks
excepted

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

R.S.O. 1970, c. 201, s. 97, subs. 4 not to apply

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality

Construction of sidewalk, etc., on area municipality road

may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
regional road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 30 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities
of Regional
Corporation

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
cc. 284, 202

Establish-
ment of
bus lanes

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

Erection of
gasoline
pump and
advertising
device near
regional road

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of regional roads

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which

Idem

the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between area
municipalities
R.S.O. 1970,
c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95,
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon regional controlled-access road

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48.

Service of notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on

summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Regional liability where road forms part of system

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

(3) If the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Settling of doubts

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Stopping-up highways

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
required to
intersect
regional road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional system.

Application
of R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
area

R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of April, 1974 the Regional Area shall be a municipality and a planning area under *The Planning Act* to be known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and *The Planning Act* applies *mutatis mutandis* to the Regional Corporation.

Planning
areas
dissolved

(2) All planning areas and subsidiary planning areas that are included in the Haldimand-Norfolk Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of March, 1974, and no area municipality except as provided in this Part, shall exercise any powers under *The Planning Act*.

Official
plans

(3) All official plans in effect in any part of the Regional Area, on and after the first day of April, 1974, remain in effect as official plans of the Haldimand-Norfolk Planning Area until a new official plan has been adopted by the Regional Council and approved by the Minister.

Effect of
official plan

(4) When the Minister has approved an official plan adopted by the Regional Council, every by-law passed

under section 35 of *The Planning Act*, or a predecessor thereof, then in effect in the planning area affected thereby shall be amended forthwith to conform therewith. R.S.O. 1970, c. 349

(5) Every by-law passed under the provisions of *The Planning Act* by a local municipality as it exists on the 31st day of March, 1974, shall continue in force until amended or repealed by the Regional Council. By-laws continued

(6) All the assets and liabilities pertaining to the planning functions transferred to the Regional Corporation under this section shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final. Assets and liabilities

55.—(1) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area. Planning duties of Regional Council

(2) The Regional Council may appoint such planning committees and staff as it considers necessary. Staff and committees

(3) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements re: subdivisions

(4) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Haldimand-Norfolk Planning Area or any part thereof. Special studies

(5) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers

56.—(1) When the Minister has approved an official plan adopted by the Regional Council the Regional Council may designate any area municipality or portion thereof within the Haldimand-Norfolk Planning Area as a district planning area for such period and on such terms and conditions as the Regional Council considers necessary. District planning areas

(2) Upon designation of an area municipality or portion thereof as a district planning area, the Regional Council may authorize the council of the area municipality so Idem

R.S.O. 1970,
c. 349

designated to exercise such of the powers under sections 35 and 38 of *The Planning Act*, on such terms and conditions as the Regional Council may determine.

Planning
duties of
area councils

57.—(1) Every council of an area municipality designated as a district planning area under subsection 1 of section 56 shall at the request of the Regional Council investigate and survey the physical, social and economic conditions in relation to the development of the district planning area and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council.

Powers of
Regional
Council re
district plan

(2) The Regional Council shall, with respect to plans submitted to it under subsection 1,

- (a) adopt the plan as submitted, with or without amendment by the Regional Council, as an amendment to the official plan of the Haldimand-Norfolk Planning Area and forward it to the Minister for approval; or
- (b) reject the plan.

Dissolutions

58.—(1) All committees of adjustment or land division committees existing in the Regional Area on the 31st day of March, 1974, are hereby dissolved on such date and the Regional Council shall appoint a land division committee on or before the 1st day of April, 1974, without notice from the Minister, to grant consents referred to in section 29 of *The Planning Act* and a committee of adjustment under section 41 of the said Act.

Delegation
of Regional
Council's
powers

(2) Notwithstanding subsection 1, the Regional Council at anytime may delegate, on such terms and conditions

as it considers necessary, to the council of an area municipality the right to appoint a committee of adjustment to exercise the powers under section 42 of *The Planning Act*, except the power to grant consents mentioned in subsection 3 of the said section 42.

R.S.O. 1970,
c. 349

(3) Notwithstanding the provisions of *The Planning Act* relating to the qualification of members of a land division committee or a committee of adjustment, such committees may have a minority of council members.

Composition
of committee

PART V
HEALTH AND WELFARE

59.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1970,
cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of March, 1974, of an indigent person or his dependant who was in hospital on the 31st day of March, 1974, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Haldimand or the County of Norfolk, excepting that portion of the Township of Middleton annexed to the Town of Tillsonburg under subsection 1*a* of section 2.

Existing
liabilities
transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of April, 1974.

Proviso

60.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to
hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of April, 1974, and if the Regional Corporation fails to pay such amounts before

Payment of
principal and
interest to
area munici-
palities

the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital
costs form
part of
regional levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 84.

Regional
Area to be
health unit
R.S.O. 1970,
c. 377

61.—(1) On and after the 1st day of April, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Haldimand-Norfolk Regional Board of Health.

Dissolution
of health
unit

(2) The health unit serving the counties of Haldimand and Norfolk on the 31st day of March, 1974, is hereby dissolved on the 1st day of April, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Haldimand-Norfolk Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

62.—(1) On and after the 1st day of April, 1974, the Haldimand-Norfolk Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Haldimand-Norfolk Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Haldimand-Norfolk Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

63.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional
Council
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974 and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

Assets and
liabilities

64.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability
for homes
for aged
R.S.O. 1970,
c. 206

(2) The Grandview Lodge Home for the Aged and Norview Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of April, 1974, without compensation.

County
homes for
aged vested
in Regional
Corporation

65.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of March, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents
of other
homes for
aged

Amount of maintenance payment	(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.
Regional Corporation deemed municipality under R.S.O. 1970, c. 64	66. No area municipality shall be deemed to be a municipality for the purposes of <i>The Child Welfare Act</i> , and the Regional Corporation shall be deemed to be a city for the purposes of such Act.
Existing liabilities transferred 1965, c. 14	67. The Regional Corporation is liable for the amounts payable on or after the 1st day of April, 1974, by any area municipality under section 88 of <i>The Child Welfare Act, 1965</i> , and is entitled to recover the amounts payable to any area municipality on or after that date under that section.
Liability under order made under R.S.C. 1970, c. J-3	68. Where an order is made under subsection 2 of section 20 of the <i>Juvenile Delinquents Act</i> (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.
Information	69. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.
Adjustments	70. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.
Grants, etc., to approved corporations under R.S.O. 1970, c. 204	71. The Regional Corporation may grant aid to approved corporations established under <i>The Homes for Retarded Persons Act</i> , and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpretation	72. In this Part, "Haldimand-Norfolk Police Board" means the Haldimand-Norfolk Regional Board of Commissioners of Police.
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73.—(1) Notwithstanding *The Police Act*, on the 15th day of January, 1974, a board of commissioners of police shall be constituted to be known as the Haldimand-Norfolk Regional Board of Commissioners of Police, which shall consist of,

Haldimand-Norfolk Regional Board established R.S.O. 1970, c. 351

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Haldimand-Norfolk Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Quorum

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Haldimand-Norfolk Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Remuneration

74.—(1) On and after the 1st day of April, 1974,

Regional Corporation deemed city under R.S.O. 1970, c. 351

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) subject to subsection 2, the Haldimand-Norfolk Police Board and the members of the Haldimand-Norfolk Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) Notwithstanding section 17 of *The Police Act*, the Haldimand-Norfolk Police Board is responsible for policing only those portions of the Regional Area in which a local municipality maintained a police force on the 31st day of March, 1974.

Jurisdiction

Idem

(3) The Haldimand-Norfolk Police Board may with the approval of the Solicitor General assume responsibility for policing and the maintenance of law and order in any additional portions of the Regional Area.

Fines

(4) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Haldimand-Norfolk Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

Area police
force

75.—(1) Every person who was a member of a police force of a municipality within the Regional Area on the 1st day of July, 1973, and continues to be a member until the 31st day of March, 1974, shall, on the 1st day of April, 1974, become a member of the Haldimand-Norfolk Regional Police Force, and the provisions of subsections 4 and 11 of section 28a apply to such members, but no member shall receive in the year 1974 and until the 31st day of March, 1975, any benefits of employment, with the exception of rank, less favourable than those he was receiving from the municipality.

Haldimand-
Norfolk
Regional
Police
Force

(2) Every person who is a member of a police force of a municipality within the Regional Area on the 31st day of March, 1974, and becomes a member of the Haldimand-Norfolk Regional Police Force on the 1st day of April, 1974, is subject to the government of the Haldimand-Norfolk Police Board to the same extent as if appointed by the Haldimand-Norfolk Police Board and the Haldimand-Norfolk Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Haldimand-Norfolk Police Force.

Terms of
employment

(3) Every person who becomes a member of the Haldimand-Norfolk Regional Police Force under subsection 1 shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Haldimand-Norfolk Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the Town of Dunnville Police Force on and after the 1st day of April, 1974, in respect of service after such date;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age, except that those members of the police force of a municipality whose retirement age was sixty-five years of age immediately before they became members of the Haldimand-Norfolk Regional Police Force shall continue until the 1st day of April, 1979, to have a retirement age of sixty-five years of age;
- (c) have credited to him in the Haldimand-Norfolk Regional Police Force the total number of years of service that he had in the police force of the municipality of which he was a member immediately prior to the 1st day of April, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Haldimand-Norfolk Police Board as he had standing to his credit in the plan of the municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of March, 1974.

(4) Notwithstanding clause *a* of subsection 3, those members of the Haldimand-Norfolk Regional Police Force who participated in a supplementary pension plan on or before the 31st day of March, 1974, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 6, and its successor, shall be entitled to negotiate with the Haldimand-Norfolk Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

(5) Civilian employees and assistants of the Haldimand-Norfolk Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

(6) On or before the 15th day of January, 1974, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Haldimand-Norfolk Police Board in the manner and for the purposes provided in *The Police Act* and the Haldimand-Norfolk Police Board shall be the sole negotiating body to bargain with such committee.

Supplementary
pension
plans

Civilian
employee
retirement

Joint
bargaining
committee

R.S.O. 1970,
c. 351

Time of
meeting

(7) The first meeting of the bargaining committee and the Haldimand-Norfolk Police Board shall be held not later than the 15th day of February, 1974.

Application of
R.S.O. 1970,
c. 284

(8) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Haldimand-Norfolk Police Board.

Assumption
of buildings

76.—(1) The Regional Council shall, before the 1st day of April, 1974, pass by-laws which shall be effective on such date assuming for the use of the Haldimand-Norfolk Police Board any such land or building that the Haldimand-Norfolk Police Board may require that is vested on the 1st day of October, 1973, in any municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Extension
of time

(2) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of April, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(3) Where any part of a building mentioned in subsection 1 is used by the municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection 1 or 2,

- (a) no compensation or damage shall be payable to the municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of October, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(5) If the Regional Corporation fails to make any pay-^{Default}ment on or before the due date as required by clause *b* of subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(6) Where a building vested in a municipality or local^{Accommoda-}board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Haldimand-Norfolk Police Board on or after the 1st day of April, 1974, shall provide at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Haldimand-Norfolk Police Board as was being provided by the local municipality for its police force on the 1st day of October, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(7) At the request of the Haldimand-Norfolk Police Board,^{Office} each area municipality, for the use of the Haldimand-Norfolk Police Board,^{supplies, etc.}

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of April, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of April, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(8) All signal and communication systems owned by any municipality and used for the purposes of the police force of the municipality on the 1st day of October, 1973, or thereafter are vested in the Regional Corporation for the use of the Haldimand-Norfolk Police Board on the 1st day of April, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(9) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property
to be
provided

77. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Haldimand-Norfolk Police Board.

PART VII

REGIONAL WATERWORKS SYSTEM

Region to
be sole
distributor
of water

78.—(1) On and after the 1st day of April, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to distribute
water

(2) On and after the 1st day of April, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting of
water supply
facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and

distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of April, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The Regional Corporation shall pay to the corporation ^{Regional Corporation liability} of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* ^{R.S.O. 1970, c. 255} is payable as the owners' share of a local improvement work.

(5) If the Regional Corporation fails to make any payment ^{Default} as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area ^{Water supply agreement} respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of April, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(7) The Regional Corporation may by by-law provide for ^{Special rates} imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional water-works system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works. ^{Raising of money by area municipality}

PART VIII

REGIONAL SEWAGE WORKS

Regional Corporation responsible for sanitary sewage

79.—(1) On and after the 1st day of April, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 8, in the Regional Area and all the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area municipality to collect sanitary sewage

(2) On and after the 1st day of April, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 8.

Vesting of sanitary sewage facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of April, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Special
rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Land
drainage

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Assumption
of area
municipality
land drainage
systems

(10) An area municipality may,

Raising of
money by
area
municipality

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal

R.S.O. 1970,
c. 284

Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

80.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Area
municipality
deemed a
municipality
under
R.S.O. 1970,
c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Regional
Corporation
deemed a
regional
municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 84 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Regional
grant
payment in
1974

(4) In the year 1974, the Regional Corporation shall be entitled to receive the full annual payment under section 2 of *The Regional Municipal Grants Act*, and no municipality within the Regional Area shall be entitled to any payment under *The Municipal Unconditional Grants Act* in respect of the period after the 31st day of December, 1973.

R.S.O. 1970,
c. 293

81. Notwithstanding any other general or special Act, for all municipalities within the Regional Area, the financial year 1973 shall be deemed to run from the 1st day of January, 1973, until the 31st day of March, 1974, and for the area municipalities within the Regional Area and the Regional Corporation the financial year 1974 shall be deemed to run from the 1st day of April, 1974 until the 31st day of December, 1974, and the Minister may by order do any such thing as he deems necessary to obtain a just and equitable distribution of costs and revenues between such financial years.

Definition of
1973 and 1974
financial
years

82. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of
moneys not
immediately
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES

83.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Corporation for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly
estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

Allowance
to be made
in estimates

(3) The surplus or operating deficit for which the Regional Council shall make due allowance in preparing the estimates for the year 1974 shall be the audited surplus or operating deficit of the County of Haldimand and the audited surplus or operating deficit of the County of Norfolk on the 31st day of March, 1974, as reduced by any payment to the County of Oxford under subsection 7.

Surplus or
operating
deficit of
Regional
Council
in 1974

(4) The amount by which any operating deficit existing for the County of Haldimand on the 31st day of March, 1974, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportion as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipalities not later than the 30th day of September, 1974.

Operating
deficit,
County of
Haldimand

Operating deficit, County of Norfolk

(5) The amount by which any operating deficit existing for the County of Norfolk on the 31st day of March, 1974, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportion as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipalities not later than the 30th day of September, 1974.

Operating surplus, County of Haldimand

(6) Where an operating surplus exists for the County of Haldimand on the 31st day of March, 1974, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation.

Operating surplus, County of Norfolk

(7) When an operating surplus exists for the County of Norfolk on the 31st day of March, 1974, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation, and the Regional Corporation shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes in respect of that part of the Township of Middleton which becomes part of the Town of Tillsonburg, in the proportion that the assessment of such part bears to the total assessment of the Township of Middleton, both according to the last revised assessment roll, to the County of Oxford, not later than the 30th day of September, 1974.

Application of R.S.O. 1970, cc. 32, 284

(8) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Levy on area municipalities

84.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportionment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 9, all amounts levied under sub-Idem
section 1 shall be apportioned among the area municipalities
in the proportion that the whole rateable property in each
area municipality bears to the whole rateable property in the
Regional Area, according to the last revised assessment rolls.

(4) The Ministry of Revenue shall revise, equalize andAssessment
weight the last revised assessment rolls of the area munici-
palities and, for the purpose of subsection 3, the last revised
assessment rolls for the area municipalities as so revised,
equalized and weighted by the Ministry of Revenue shall
be deemed to be the last revised assessment rolls of the area
municipalities.

(5) Upon completion by the Ministry of Revenue of theCopy to
revision, equalization and weighting of assessment, the MinistryRegional
of Revenue shall notify the Regional Corporation
and area
of the area municipalities of the revised, equalized and weightedmunicipi-
assessment of each area municipalitypalities

(6) If any area municipality is not satisfied with the assess- Appeal
ment as revised, equalized and weighted by the Ministry of
Revenue, the area municipality may appeal from the decision
of the Ministry of Revenue by notice in writing to the
Municipal Board at any time within thirty days after the
notice of the revised, equalized and weighted assessment was
sent to the area municipality by the Ministry of Revenue.

(7) Every notice of revision, equalization and weightingIdem
made under this section shall set out the time within which
an appeal may be made to the Municipal Board with respect
to such revision, equalization and weighting.

(8) Where the last revised assessment of the area munici-Amendment
pality has been revised, equalized and weighted by the Ministryof by-law
of Revenue and has been appealed, the Regional Council shallwhere
forthwith after the decision of the Municipal Board on suchnecessary
appeal, amend, if required, the by-law passed under subsec- following
tion 2 so as to make the apportionments among the areapeal
municipalities according to the assessments as revised by the
Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipi-
pality are thereby increased, the treasurer of the
area municipality shall pay the amount of the in-
crease to the treasurer of the Regional Corporation;
and
- (b) where the moneys levied against an area municipali-
ty are thereby decreased, the treasurer of the area muni-
cipality shall be liable to pay the treasurer of the
Regional Corporation only the reduced levy or, if

the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

R.S.O. 1970,
c. 284,
1971, c. 78
1973, c. 73

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 141 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

Valuation of
properties

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

(15) If an area municipality fails to make any payment as ^{Default} provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

85. Notwithstanding the provisions of section 84, in the ¹⁹⁷⁴ year 1974, the Regional Council may by by-law adjust the ^{levy} ^{adjustment} apportionment of the regional levy on area municipalities in order that the levy is just and equitable, and such by-law, when approved by the Minister, shall be effective for the purpose of apportionment under section 84.

86.—(1) The Ministry of Revenue shall revise, equalize and ^{Equalized} ^{assessment} ^{of merged} ^{areas} weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the ^{Notice} revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all ^{Apportion-} ^{ment among} ^{merged areas} purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. ^{R.S.O. 1970,} ^{cc. 405, 284, 32}

(4) The rates to be levied in each merged area shall be ^{Determina-} ^{tion of rates} determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

87.—(1) Notwithstanding section 84, in 1974 the Regional ^{Levy by} ^{Regional} ^{Council} ^{before} ^{estimates} ^{adopted} Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general

municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 84 and subsections 14 and 15 of section 84 apply to such levy.

Idem

(2) Notwithstanding section 84, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 84 apply to such levy.

Levy under
s. 84
to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 84.

Levy by
area
municipality
before
estimates
adopted

(4) Notwithstanding section 86, the council of an area municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1974, 75 per cent, and in all subsequent years, 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 86 to be
reduced

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 86.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Preliminary
assessment

(7) The Ministry of Revenue, for the purposes of a levy under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised and weighted assessment under subsection 4 of section 84.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, on or before the 1st day of April, 1974.

Interim
levy

(9) No local municipality shall pass a by-law under section 303 of *The Municipal Act* prior to the 1st day of April, 1974.

Rates under
R.S.O. 1970,
c. 430

88.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the

area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for public school purposes on commercial assessment

R.S.O. 1970, c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

Transitional
adjustments

89.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality and the Town of Tillsonburg, shall levy, on the assessment for real property and business according to the last revised assessment roll, in any specified merged area or areas or in any specified part or parts of the Town of Tillsonburg rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Town of
Tillsonburg,
added
assessments

(2) On or before the 15th day of March, 1974, the Ministry of Revenue shall supply to the clerk of the Town of Tillsonburg, and the clerk shall add to the collector's roll of such town, the value of the land and buildings including business assessment in that portion of the Township of Middleton annexed to the Town of Tillsonburg under subsection 1a of section 2, and such additions shall be deemed to be additions under section 43 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Allowances
to be made
in estimates
of area
municipi-
palities in 1974
R.S.O. 1970,
c. 284

90.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of April, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of March, 1974.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of April, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
for payment
under s. 83

(4) For the purposes of this section and section 91, the audited surplus or operating deficit of a local municipality on the 31st day of March, 1974, shall be reduced or increased, as the case may be, by any payment required under subsection 4 or 5 of section 83.

91.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Interpre-
tation

R.S.O. 1970,
c. 284

(2) The audited surplus or operating deficit of a local municipality at the 31st day of March, 1974, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of April, 1974.

Surplus or
deficit at
March 31, 1974,
to be
applied to
supporting
assessment

92.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality or local board thereof.

Committees
of
arbitrators

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Idem

(3) Before the 31st day of March, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of April, 1974.

Provisional
determina-
tion

(4) As soon as possible thereafter, the committees shall, where appropriate, make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of March, 1974, together with determinations of any financial adjustments which may be necessary.

Final
determina-
tion

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the Regional Corporation and the Municipal Board and unless the council of any such municipality or the Regional Corporation notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the Regional Corporation.

Notice

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Idem

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of sections 83, 91 and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

Reserve funds
of municipi-
palities

93.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Reserve
funds,
establish-
ment

94.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

95.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Current
borrowing
R.S.O. 1970,
c. 284

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

Idem

DEBT

96.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt
R.S.O. 1970,
c. 323

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of March, 1974, power to issue debentures.

Limitation

(4) When an area municipality, on or before the 31st day of March, 1974,

Uncompleted
works

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 99 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1970,
c. 470

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

97. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 96 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

98.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing
pending
issue and
sale of
debentures

99.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 111 shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

100.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special
levy against
area municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a

special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed ^{Levy} by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. <sup>Levies
a debt</sup>

(10) The Regional Council may by by-law authorize a <sup>By-law to
change mode
of issuing
debentures</sup> change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and, where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council, upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on <sup>Debentures,
when to be
dated and
issued</sup> account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(12) All the debentures shall bear the same date, except <sup>Date of
debentures</sup> where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-
tion

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consoli-
dating
debenture
by-laws
R.S.O. 1970,
c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name

the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where, under the provisions of the by-law, debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the

currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

(25) The Regional Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional

Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of
sinking fund
assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals
from bank
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1970,
c. 470

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of
securities
with
Treasurer of
Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee. Release of
securities by
Treasurer of
Ontario

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund
requirements

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure to
levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account
more than
sufficient to
pay debt

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund

account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42. ^{Deficit and surplus}

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

When rate
of interest
may be varied

101.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 99 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

102.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

103.—(1) Subject to section 102, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. Application of payments

Offence for
neglect of
officer to
carry out
by-law

104. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

105.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law, registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality

as required by subsection 1 of section 98 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 100 have not been substantially complied with.

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

106.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical reproduction of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. Effect of mechanical reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority Sufficiency of signatures

to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

107. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of transfer may be prescribed

108.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or

administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

109. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

110.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

111.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of
proceeds of
sale of assets
acquired from
proceeds of
sale of
debentures

112. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 111 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

Tenders
for
debentures

113. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for

tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

114.—(1) The Regional Council shall,

Accounts,
how to be
kept

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

115. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Application
of surplus
money

116.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may

Action by
ratepayer

be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifica-
tion

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

117. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

118. In the financial year 1973, no local municipality shall, after the 15th day of November, without the approval of the Minister, sell, lease or otherwise dispose of any asset purchased at a cost of or valued at more than \$5,000.

PART X

GENERAL

Application
of R.S.O. 1970,
c. 284

119.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 46, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Section 378 and paragraph 7 of subsection 1 of section 381 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such powers. Application of R.S.O. 1970, c. 284

(3) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(4) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(5) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(6) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(8) Every by-law of a local municipality as it exists on the 31st day of March, 1974, shall remain in force in the area of the former local municipality on and after the 1st day of April, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(9) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of March, 1974, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law. Idem

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(10) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 5, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(11) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 10, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency
measures,
civil defence

120.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*; R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for
R.S.O. 1970,
c. 145

121.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for such purposes. Expenditures
for diffusing
information

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of March, 1974. Application
of R.S.O. 1970,
c. 284

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 28a apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation. Staff

122. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 84, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the Grants to
persons
engaged in
work
advantageous
to Regional
Area

general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees

R.S.O. 1970,
c. 505

123. Where, in an action or by the settlement of a claim arising out of any injury to an employee, including a member of the Haldimand-Norfolk Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation
by county
judge of
charges of
malfeasance

1971, c. 49

124.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable
to judge

R.S.O. 1970,
c. 228

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or

inquiry, and the Regional Corporation shall pay the costs thereof.

125.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. Commission of inquiry 1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

126. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highway, etc.

127. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. Agreements re services

128.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 23

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

Interpre-
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Execution
against
Regional
Corporation

129.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Haldimand-Norfolk" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Function
of clerk,
collector and
assessor

130.—(1) The corporations of the counties of Haldimand and Norfolk are dissolved on the 1st day of April, 1974, and the Regional Corporation shall stand in the place and stead of such counties in any agreements to which such counties were parties in so far as such agreements pertain to the Regional Area.

Counties
dissolved

(2) All the assets and liabilities of the counties of Haldimand and Norfolk become, subject to section 92, on the 1st day of April, 1974, the assets and liabilities of the Regional Corporation and all documents and records kept by the clerk or treasurer or any other officer of the counties of Haldimand and Norfolk shall be transferred to the clerk.

Assets and
liabilities,
etc.

131.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the counties of Haldimand and Norfolk.

Powers of
Municipal
Board

R.S.O. 1970,
c. 284

Settling
of doubts

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board may upon application determine the matter and its decision is final.

Conditional
powers

132. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

133.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the counties of Haldimand and Norfolk or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

134.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

135.—(1) In this section “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of April, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of April, 1974, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

136. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall, on Agreement successor rights

and after the 1st day of April, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional
Fire
Co-ordinator

137. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued
R.S.O. 1970,
c. 202

138.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of March, 1974, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of March, 1974, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O. 1970,
c. 354, s. 108

139.—(1) On and after the 1st day of April, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of March, 1974, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, in-

cluding *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of April, 1974.

Commissions dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of commission not disqualified as members of councils

140.—(1) On the 31st day of March, 1974, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof, subject to section 92, vest on the 1st day of April, 1974, in the area municipality of which the local municipality forms part.

Dissolution of boards

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation and parks management board
R.S.O. 1970, cc. 120, 73

141.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Acquiring land for parks, etc.

R.S.O. 1970, c. 384

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Sale of spirituous, etc., liquors in parks

R.S.O. 1970, c. 250

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application of R.S.O. 1970, c. 284

Regional Corporation a municipality under

R.S.O. 1970, cc. 337, 120, '73

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and the Regional Council shall be deemed to be a recreation committee for the purposes of *The Ministry of Community and Social Services Act* and a board of a community centre for the purposes of *The Community Centres Act*.

Public lands owned by conservation authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands ;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof; and

R.S.O. 1970, c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

Payment in lieu of taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

County museum, etc., vested in Regional Corporation

142. The Haldimand County Museum and the Wilson MacDonald Memorial School Museum together with the assets and liabilities thereof vest, on the 1st day of April, 1974, in the Regional Corporation.

R.S.O. 1970, c. 284, s. 244, not to apply

143. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area during the period ending the 31st day of March, 1974.

Public library boards
R.S.O. 1970, c. 381

144. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

145.—(1) For the purposes of sections 63 and 64 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of the said Act, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 332

(2) Paragraph 75 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

146.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation. Organization expenses

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Conditions of payment

5. Sections 29 and 30 of the said Act are renumbered as sections 147 and 148 respectively. ss. 29, 30, renumbered

6.—(1) This Act, except Parts V, VII and VIII and sections 80, 82 to 86, subsections 1 to 6 of section 87, sections 88 to 91 and 93 to 117 of Part IX, as enacted by section 4, comes into force on the day it receives Royal Assent. Commencement

(2) Parts V, VII and VIII and sections 80, 82 to 86, subsections 1 to 6 of section 87, sections 88 to 91 and 93 to 117 of Part IX, as enacted by section 4, come into force on the 1st day of April, 1974. Idem

7. This Act may be cited as *The Regional Municipality of Haldimand-Norfolk Amendment Act, 1973*. Short title

CHAPTER 156

**An Act to amend
The Regional Municipality of York Act**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 22 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act*, 1972". ^{s. 22 (4), amended}

2. Section 26 of the said Act is amended by adding thereto the ^{s. 26, amended} following subsection:

(11a) Where, under the provisions of this section, any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. ^{Pension rights and sick leave credits}

3. Section 86 of the said Act is amended by adding thereto the ^{s. 86, amended} following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. ^{Approval required to intersect regional road}

4. The said Act is amended by adding thereto the following ^{s. 90a, enacted} section:

90a.—(1) On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29 ^{No power in committees of adjustment to grant consents}

R.S.O. 1970,
c. 349

of *The Planning Act*, and all such powers shall be exercised by the land division committee established by the Regional Council.

Land
division
committee

(2) On or before the 1st day of February, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such persons not fewer than three in number as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Land
division
committee
to stand in
place of
committees of
adjustment
for certain
purposes

(3) The land division committee referred to in subsection 2 stands in the place and stead of any committee of adjustment established by an area municipality for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of January, 1974.

Committee
to consult
with council

(4) The land division committee in considering an application to grant consents shall seek the opinion of the council of the area municipality in which the land for the application is situate.

s. 108 (1),
amended

5.—(1) Subsection 1 of section 108 of the said Act is amended by striking out “2 to 7” in the sixth line and inserting in lieu thereof “5 and 11a”.

s. 108 (3) (b),
re-enacted

(2) Clause *b* of subsection 3 of the said section 108 is repealed and the following substituted therefor:

(b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years, provided that any member of the police force of a former local municipality who had a retirement age of sixty-five years immediately before becoming a member of the York Regional Police Force shall, until the 1st day of January, 1975, be retired on the last day of the month in which such member attains the age of sixty-five years.

s. 108,
amended

(3) The said section 108 is amended by adding thereto the following subsections:

Civilian
employee
retirement

(4) Every civilian employee and assistant of the York Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.

(5) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the York Police Board. Application of R.S.O. 1970, c. 284, s. 239

6. Section 125 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 78, section 15, is further amended by adding thereto the following subsection: s. 125, amended

(5a) The signature of the chairman or any other person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

7. Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 153, section 1, is further amended by striking out “and 24” in the second line and inserting in lieu thereof “24 and 46”. s. 149 (1), amended

8. Section 151 of the said Act is amended by striking out “not exceeding \$50,000 in any one year” in the first and second lines. s. 151, amended

9. Paragraph 4 of Form 2 of the said Act is repealed.

Form 2, par. 4, repealed

- 10.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1971. Idem

11. This Act may be cited as *The Regional Municipality of York Amendment Act, 1973*. Short title

CHAPTER 157

**An Act to amend
The Corporations Tax Act, 1972**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 44 of subsection 1 of section 1 of *The Corporations Tax Act, 1972*, being chapter 143, is amended^{s. 1 (1) par. 44, amended} by striking out “or bituminous sands” in the second and third lines and inserting in lieu thereof “, bituminous sands, oil sands or oil shale”.

(2) Paragraph 45 of subsection 1 of the said section 1 is^{s. 1 (1) par. 45, re-enacted} repealed and the following substituted therefor:

45. “mineral resource” means,

- i. a base or precious metal deposit,
- ii. a coal deposit,
- iii. a bituminous sands deposit, oil sands deposit or oil shale deposit, or
- iv. a mineral deposit in respect of which,
 - (A) a certification has been made for purposes of the *Income Tax Act* (Canada)^{1970-71, c. 63 (Can.)} that the principal mineral extracted is an industrial mineral contained in a non-bedded deposit,
 - (B) the principal mineral extracted is sylvite, halite or gypsum, or
 - (C) the principal mineral extracted is silica that is extracted from sandstone or quartzite.

- s. 16 (1) (e) (ii),
amended

2.

Subclause ii of clause *e* of subsection 1 of section 16 of the said Act is amended by striking out “or subsection 8 of section 24” in the second line.
- s. 20 (2),
amended

3.

Subsection 2 of section 20 of the said Act is amended by striking out “18” in the third line and inserting in lieu thereof “19”.
- s. 22 (4) (a) (ii),
amended

4.—(1)

Subclause ii of clause *a* of subsection 4 of section 22 of the said Act is amended by striking out “and” at the end of sub-subclause D, by adding “and” at the end of sub-subclause E and by adding thereto the following sub-subclause:

(F) the amount, if any, by which the corporation’s paid-up capital limit (within the meaning of subsection 1 of section 83) at the end of the year exceeds the limit referred to in sub-subclause A,
- s. 22 (5) (a) (ii),
amended

(2)

Subclause ii of clause *a* of subsection 5 of the said section 22 is amended by striking out “described in subclause i, and” in the third and fourth lines and inserting in lieu thereof “of the corporation, if the shareholder, either alone or together with persons with whom he was not dealing at arm’s length, owned 25 per cent or more of the issued shares of any class of the corporation, and”
- s. 22,
amended

(3)

The said section 22, as amended by the Statutes of Ontario, 1973, chapter 42, section 4, is further amended by adding thereto the following subsection:

(8) Subsection 4 does not apply in computing the income for a fiscal year of a corporation whose principal business in Canada throughout the fiscal year was the developing or manufacturing of aircraft or aircraft components.
- s. 24 (1) (f),
amended

5.—(1)

Clause *f* of subsection 1 of section 24 of the said Act is amended by striking out the five lines immediately following sub-subclause B of subclause i and striking out subclause ii and inserting in lieu thereof:

“the amount by which the lesser of the principal amount of the obligation and all amounts paid in the year or in any preceding year in satisfaction of the principal amount thereof exceeds the amount for which the obligation was issued, and

- (ii) in any other case, one-half of the lesser of the amount so paid and the amount by which the lesser of the principal amount of the obligation and all amounts paid in the year or in any preceding year in satisfaction of the principal amount thereof exceeds the amount for which the obligation was issued''.

(2) Subsection 11 of the said section 24 is repealed.

s. 24 (11),
repealed

6. Subsection 1 of section 31 of the said Act is repealed and the following substituted therefor:

s. 31 (1),
re-enacted

(1) For the purpose of computing the income of a corporation for a fiscal year from a farming business, the income from the business for that fiscal year may, if the corporation so elects under subsection 1 of section 28 of the *Income Tax Act* (Canada), be computed in accordance with a method (in this section referred to as the "cash" method) whereby the income therefrom for that year shall be deemed to be an amount equal to the aggregate of,

Farming
business

1970-71, c. 63
(Can.)

(a) all amounts that,

- (i) were received in the year, or are deemed by this Act to have been received in the year, in the course of carrying on the business, and

- (ii) were in payment of or on account of an amount that would if the income from the business were not computed in accordance with the cash method, be included in computing income therefrom for that or any other year; and

- (b) such amount, if any, as may be specified by the corporation in respect of the business in its return under Part V for the year, not exceeding the fair market value at the end of the year of live stock owned by it at that time in connection with the business,

minus the aggregate of

(c) all amounts that,

- (i) were paid in the year, or are deemed by this Act to have been paid in the year, in the course of carrying on the business, and

- (ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be deductible in computing income therefrom for that or any other year; and

- (d) the amount, if any, specified by the corporation in respect of the business in accordance with clause *b* in its return under Part V filed for the immediately preceding fiscal year,

and minus any deductions for the year permitted by clauses *a* and *b* of subsection 1 of section 24.

s. 31*a*,
enacted

7. The said Act is amended by adding thereto the following section:

Disposition
of animal of
basic herd
class

31*a*.—(1) Where a corporation has a basic herd of a class of animals and disposes of an animal of that class in the course of carrying on a farming business in a fiscal year, if the corporation so elects in its return under Part V for the year the following rules apply,

- (a) there shall be deducted in computing the corporation's basic herd of that class at the end of the year such number as is designated by it in its election, not exceeding the least of,
 - (i) the number of animals of that class so disposed of by it in the year,
 - (ii) 1/10 of its basic herd of that class on December 31, 1971, and
 - (iii) its basic herd of that class of animal at the end of the immediately preceding fiscal year; and
- (b) there shall be deducted in computing the corporation's income from the farming business for the fiscal year the product obtained when,
 - (i) the number determined under clause *a* in respect of its basic herd of that class for the year,

is multiplied by

- (ii) the quotient obtained when the fair market value on December 31, 1971 of its animals

of that class on that day is divided by the number of its animals of that class on that day.

(2) Where a corporation carries on a farming business in a fiscal year and its basic herd of any class at the end of the immediately preceding year, minus the deduction, if any, required by clause *a* of subsection 1 to be made in computing its basic herd of that class at the end of the year, exceeds the number of animals of that class owned by it at the end of the year, Reduction in basic herd

(a) there shall be deducted in computing its basic herd of that class at the end of the year the number of animals comprising the excess; and

(b) there shall be deducted in computing its income from the farming business for the fiscal year the product obtained when,

(i) the number of animals comprising the excess, is multiplied by

(ii) the quotient obtained when the fair market value on December 31, 1971 of its animals of that class on that day is divided by the number of its animals of that class on that day.

(3) For the purposes of this section,

Interpre-
tation

(a) a corporation's "basic herd" of any class of animals at a particular time means such number of the animals of that class that the corporation had on hand at the end of its 1971 fiscal year as were accepted for the purpose of assessing its tax under Part I of the *Income Tax Act* (Canada) for that year to be capital properties and not to be stock-in-trade, minus the numbers, if any, required by virtue of this section to be deducted in computing its basic herd of that class at the end of fiscal years of the corporation ending before the particular time; 1970-71, c. 63
(Can.)

(b) "class of animals" means animals of a particular species, namely cattle, horses, sheep or swine, that are,

(i) purebred animals of that species for which a certificate of registration has been issued by a person recognized by breeders in Canada

of purebred animals of that species to be the registrar of the breed to which such animals belong, or issued by the Registrar of the Canadian National Livestock Records, or

- (ii) animals of that species other than purebred animals described in subclause i,

each of which descriptions in subclauses i and ii shall be deemed to be of separate classes, except that where the number of the corporation's animals described in subclause i or ii, as the case may be, of a particular species is not greater than 10 per cent of the total number of the corporation's animals of that species that would otherwise be of two separate classes by virtue of this clause, its animals described in subclauses i and ii of that species shall be deemed to be of a single class; and

- (c) in determining the number of animals of any class on hand at any time, an animal shall not be included if it was acquired for a feeder operation, and an animal shall be included only if its actual age is not less than,

- (i) in the case of cattle, 2 years,

- (ii) in the case of horses, 3 years, and

- (iii) in the case of sheep or swine, one year,

except that two animals of a class under the age specified in subclause i, ii or iii, as the case may be, shall be counted as one animal of the age so specified.

s. 33 (1),
re-enacted

8. Subsection 1 of section 33 of the said Act is repealed and the following substituted therefor:

Loss from
farming
where chief
source of
income not
farming

(1) Where a corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income, for the purposes of sections 12 and 99, its loss, if any, for the fiscal year from all farming businesses carried on by it shall be deemed to be the aggregate of,

- (a) the lesser of,

- (i) the amount by which the aggregate of its losses for the fiscal year, determined without

reference to this section and before making any deductions in respect of expenditures described in section 39, from all farming businesses carried on by it exceeds the aggregate of its incomes for the fiscal year, so determined from all such businesses, and

(ii) \$2,500 plus the lesser of,

(A) one-half of the amount by which the amount determined under subclause i exceeds \$2,500, and

(B) \$2,500; and

(b) the amount, if any, by which,

(i) the amount that would be determined under subclause i of clause *a* if it were read as though the words “and before making any deductions in respect of expenditures described in section 39” were deleted,

exceeds

(ii) the amount determined under subclause i of clause *a*,

and for the purposes of this Act the amount, if any, by which the amount determined under subclause i of clause *a* exceeds the amount determined under subclause ii of clause *a* is the corporation’s “restricted farm loss” for the fiscal year.

9. Clause *a* of subsection 1 of section 36 of the said Act is ^{s. 36 (1) (a),} amended by striking out “and clause *o* of subsection 1 of section 24 are” in the first and second lines and inserting in lieu thereof “is”.

10. Section 50 of the said Act is repealed and the following sub- ^{s. 50,}stituted therefor: ^{re-enacted}

50.—(1) For the purposes of this Subdivision, where a cor- ^{Deemed}poration has ceased, at any particular time in a fiscal year ^{disposition of}and after 1971, to be resident in Canada, it shall be deemed ^{property}to have disposed, immediately before the particular time, of ^{where cor-}each property, other than any property that would be tax- ^{poration has}able Canadian property if at no time in the fiscal year it ^{ceased to be}had been resident in Canada, that was owned by the cor- ^{resident in}poration immediately before the particular time, for proceeds ^{Canada}of disposition equal to the fair market value of the property

immediately before the particular time, and to have re-acquired the property immediately after it so ceased to be resident in Canada at a cost equal to that fair market value.

Deemed
acquisition of
property on
becoming
resident in
Canada

(2) For the purposes of this Subdivision, where a corporation has become, at any particular time in a fiscal year and after 1971, resident in Canada, it shall be deemed to have acquired at the particular time each property owned by it at that time, other than property that would be taxable Canadian property if it had disposed of it immediately before the particular time at a cost equal to its fair market value at the particular time.

s. 51 (2),
amended

11. Subsection 2 of section 51 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 42, section 6, is further amended by striking out “Where at any time an option granted after 1971 by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it, other than an option the consideration for the granting of which is an amount described in subclause v of clause b of subsection 12 of section 63 and paid pursuant to an agreement described in that subclause, expires” in the amendment of 1973 and inserting in lieu thereof “Where at any time an option granted after 1971 by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it (other than an option to acquire shares of the capital stock of a corporation in consideration for the incurring, pursuant to an agreement described in subclause v of clause b of subsection 12 of section 63, of any expense described in that subclause) expires”.

s. 53,
amended

12. Section 53 of the said Act is amended by striking out “preferred” in the third line.

s. 54,
amended

13.—(1) Section 54 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) For the purposes of this Subdivision, where a corporation to which subsection 2 or 3 of section 2 applies, has acquired property after 1971 that would, if the corporation disposed of it, be taxable Canadian property of that corporation and an amount in respect of the value thereof has been included in computing the corporation’s taxable income earned in Canada, the amount so included shall be added in computing the cost to the corporation of that property.

s. 54 (5),
repealed

(2) Subsection 5 of the said section 54 is repealed.

s. 54,
amended

(3) The said section 54 is further amended by adding thereto the following subsection:

(6) Where a corporation that is a beneficiary under a unit trust has, after 1971, acquired a right to enforce payment of an amount by the unit trust out of its capital gains or income from property for the fiscal year of the corporation in which the right was acquired by it, notwithstanding subsection 1, it shall be deemed to have acquired the right at a cost to it equal to the amount that became so payable minus such portion of that amount as was deductible in computing its income by virtue of subsection 1 of section 62 or subsection 2 of section 93.

14.—(1) Subsection 1 of section 55 of the said Act is amended by adding “and” at the end of clause *i* and adding thereto the following clause:

(*j*) where the property is an expropriation asset of the corporation for the purposes of section 74*a* or an asset of the corporation assumed for the purposes of that section to be an expropriation asset thereof, any amount required by paragraph *b* of subsection 2 of section 80.1 of the *Income Tax Act* (Canada) to be added in computing the adjusted cost base to it of the asset.

(2) Clause *d* of subsection 2 of the said section 55 is repealed and the following substituted therefor:

(*d*) where the property is a share, or an interest therein or a right thereto, of the capital stock of a corporation, an amount equal to any expense incurred by the corporation in consideration therefor, to the extent that the expense was by virtue of subclause *v* of clause *b* of subsection 12 of section 63 a Canadian exploration and development expense incurred by it.

(3) Clause *k* of subsection 2 of the said section 55 is amended by striking out “and” in the sixth line.

(4) Clause *l* of subsection 2 of the said section 55 is repealed and the following substituted therefor:

(*l*) such part of the cost to the corporation of the property as was deductible (otherwise than by virtue of this Subdivision) in computing the corporation's income for any fiscal year commencing before that time and ending after 1971; and

(*m*) where the property is an expropriation asset of the corporation for the purposes of section 74*a* or an asset of the corporation assumed for the purposes

1970-71, c. 63
(Can.)

of that section to be an expropriation asset thereof, any amount required by paragraph *b* of subsection 2 of section 80.1 of the *Income Tax Act* (Canada) to be deducted in computing the adjusted cost base to it of the asset.

s. 60 (1) (a),
amended

- 15.** Clause *a* of subsection 1 of section 60 of the said Act is amended by striking out “or a payment of an annuity paid or purchased pursuant to a deferred profit sharing plan” in the third, fourth and fifth lines and inserting in lieu thereof “or a payment of an annuity paid or purchased pursuant to a deferred profit sharing plan or pursuant to a plan referred to in subsection 9 of section 120 as a ‘revoked plan’ ”.

s. 62 (1, 2),
re-enacted

- 16.** Subsections 1 and 2 of section 62 of the said Act are repealed and the following substituted therefor:

Allowance
for oil or
gas well, mine
or timber
limit

(1) There may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of,

- (a) an oil or gas well, mineral resource or timber limit; or
- (b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

as is allowed to the corporation by regulation.

Regulations

(2) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1 allowing to a corporation an amount in respect of an oil or gas well or a mineral resource or in respect of the processing of ore,

- (a) there may be allowed to the corporation by such regulation an amount in respect of any or all,
 - (i) oil or gas wells or mineral resources in which the corporation has any interest, or
 - (ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and
- (b) notwithstanding any other provision contained in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

- 17.—(1) Sub-subclause A of subclause ii of clause *b* of subsection 3 of section 63 of the said Act is repealed and ^{s. 63 (3) (b) (ii) (A),} re-enacted the following substituted therefor:

(A) such part of its income for the fiscal year as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells in Canada or to the production of minerals from mines in Canada.

- (2) Subsection 7 of the said section 63 is amended by striking ^{s. 63 (7),} amended out “that is a principal-business corporation” in the third line.
- (3) Clause *a* of subsection 7 of the said section 63 is amended ^{s. 63 (7) (a),} amended by striking out “1” in the first line and inserting in lieu thereof “1 or 3, as the case may be”.
- (4) Subclause *v* of clause *b* of subsection 12 of the said ^{s. 63 (12) (b) (v),} amended section 63 is amended by striking out “where the corporation is a principal-business corporation, the amount paid by it for any share or any interest therein or right thereto, to the extent that the amount was paid pursuant to an agreement under which it undertook to incur, after 1971, the cost of” in the first, second, third, fourth, fifth and sixth lines and inserting in lieu thereof “any expense incurred by the corporation after 1971 pursuant to an agreement with another corporation under which the corporation incurred the expense solely in consideration for shares of the capital stock of the corporation issued to it by the corporation or any interest in such shares or right thereto, to the extent that the expense was incurred as or on account of the cost of”.
- (5) Subclause *vii* of clause *b* of subsection 12 of the said ^{s. 63 (12) (b) (vii),} re-enacted section 63 is repealed and the following substituted therefor:
- (vii) any expense described in subclause *v* incurred by another person to the extent that the expense was, by virtue of subclause *v*, a Canadian exploration and development expense of that other person.
- (6) Subclauses *i*, *ii* and *iii* of clause *g* of subsection 12 of the said section 63 are repealed and the following substituted therefor: ^{s. 63 (12) (g), (i, ii),} re-enacted ^{s. 63 (12) (g), (iii),} repealed

- (i) was a shareholder of the joint exploration corporation, and
- (ii) made payments to the joint exploration corporation in respect of Canadian exploration and development expenses incurred by the joint exploration corporation.

s. 67,
amended

18. Section 67 of the said Act is amended by adding thereto the following subsections:

Debt deemed
not to be
income debt

(4) Where a cash purchase ticket is issued to a corporation in respect of grain delivered in a fiscal year of a corporation to a primary elevator and such ticket entitles the holder thereof to payment by the operator of the elevator of the purchase price, without interest, stated in the ticket for the grain at a date that is after the end of the fiscal year, the amount of the purchase price stated in the ticket shall, notwithstanding any other provision of this section, be included in computing the income of the corporation to whom the ticket was issued for its fiscal year immediately following the fiscal year in which the grain was delivered and not for the fiscal year in which the grain was delivered.

Meaning
of certain
expressions

R.S.C. 1970,
cc. G-16, C-12

(5) For the purposes of subsection 4, the expressions "cash purchase ticket", "operator" and "primary elevator" have the meanings given to those expressions by the *Canada Grain Act* and "grain" means wheat, oats, barley, rye, flaxseed and rapeseed produced in the designated area defined by the *Canadian Wheat Board Act*.

s. 71 (f),
amended

19. Clause *f* of section 71 of the said Act is amended by adding at the end thereof "or to be deducted in computing the capital cost to the corporation of any depreciable property or the adjusted cost base to it of any capital property".

s. 74a,
enacted

20. The said Act is further amended by adding thereto the following section:

Expropria-
tion assets
acquired as
compensa-
tion for or as
considera-
tion for sale
of foreign
property
1970-71, c. 63
(Can.)

74a. Where, in a fiscal year ending coincidentally with or after December 31, 1971, a corporation that is a taxpayer resident in Canada for purposes of the *Income Tax Act* (Canada) has,

- (a) acquired expropriation assets in any of the circumstances described in section 80.1 of that Act; and
- (b) made the appropriate elections as required by that section,

the provisions of section 80.1 of the *Income Tax Act* (Canada),^{1970-71, c. 63 (Can.)} except paragraphs *c* and *d* of subsection 4 thereof, apply for the purposes of this Act.

21.—(1) Subsection 1 of section 79 of the said Act is amended by^{s. 79 (1), amended} inserting after “person” in the third line “or a property referred to in subsection 2 of section 59 of the person”.

(2) The said section 79 is amended by adding thereto the^{s. 79, amended} following subsection:

(1*a*) Subsection 1 does not apply with respect to any^{Exception to subs. 1} disposition by a person of any of his property referred to in subsection 2 of section 59 if the corporation to which the property was disposed of has carried on any business before the disposition.

(3) Clause *a* of subsection 2 of the said section 79 is amended^{s. 79 (2) (a), amended} by inserting after “partnership” in the second line “or a property referred to in subsection 2 of section 59 of a partnership”.

(4) The said section 79 is further amended by adding thereto^{s. 79, amended} the following subsection:

(2*a*) Subsection 2 does not apply with respect to any^{Exception to subs. 2} disposition by a partnership of any partnership property referred to in subsection 2 of section 59 if the corporation to which the property was disposed of has carried on any business before the disposition.

(5) Subsection 3 of the said section 79 is amended by striking^{s. 79 (3), amended} out “and” at the end of clause *f*, by adding “and” at the end of clause *g* and by adding thereto the following clause:

(*h*) where the partnership has distributed partnership property referred to in clause *c* to a member of the partnership, the partnership shall be deemed to have disposed of that property for proceeds equal to the cost amount to the partnership of the property immediately before its distribution.

22.—(1) Subsection 2 of section 81 of the said Act is amended^{s. 81 (2), amended} by adding “and” at the end of clause *za* and by adding thereto the following clause:

(*zb*) where a predecessor corporation was a public corporation immediately before the amalgamation,

the new corporation shall be deemed to have been a public corporation at the commencement of its first fiscal year.

s. 81 (4) (b)
(iii) (A),
re-enacted

- (2) Sub-subclause A of subclause iii of clause *b* of subsection 4 of the said section 81 is repealed and the following substituted therefor:

(A) the persons, except any predecessor corporation, who together owned all of the common shares of the capital stock of the predecessor corporation immediately before the amalgamation together received as consideration for the disposition of those shares on the amalgamation, either,

1. not less than 25 per cent of the shares of each particular class of the issued common shares of the capital stock of the new corporation immediately after the amalgamation, or
2. common shares of the capital stock of the new corporation to which are attached not less than 25 per cent of all votes that could be cast for any and all purposes by holders of common shares of the new corporation immediately after the amalgamation and representing not less than 25 per cent of the fair market value of all common shares of the new corporation issued and outstanding at that time.

s. 81 (5),
re-enacted

- (3) Subsection 5 of the said section 81 is repealed and the following substituted therefor:

Determina-
tion of
percentages

- (5) In determining any of the percentages referred to in sub-subclause A of subclause iii of clause *b* of subsection 4, the percentages shall be deemed to be,

(a) the percentages otherwise determined,

plus

(b) that proportion of the percentage otherwise determined that,

- (i) the fair market value of the issued common shares of the capital stock of the particular predecessor corporation owned by all other predecessor corporations immediately before the amalgamation,

is of,

- (ii) the fair market value of the issued common shares of the capital stock of the particular predecessor corporation owned by all persons, except any predecessor corporation, immediately before the amalgamation.

23.—(1) Subclause ii of clause *b* of section 82 of the said Act <sup>s. 82 (b) (ii),
amended</sup> is amended by inserting after “winding-up” in the sixth line “minus any subsequent deduction from that adjusted cost base that is required by subsection 2 of section 55 to be made as a result of the deemed dividend referred to in clause *e*”.

- (2) Clause *e* of the said section 82 is amended by striking <sup>s. 82 (e),
amended</sup> out “immediately before the winding-up” in the third line and inserting in lieu thereof “at the particular time referred to in subsection 2” and by inserting after “winding-up” in the eighth line “and the dividend shall be deemed to have become payable by the subsidiary at the particular time referred to in subsection 2”.

- (3) The said section 82 is amended by adding thereto the <sup>s. 82,
amended</sup> following subsection:

(2) Where a Canadian corporation, whether or not it <sup>Winding-up
of a
Canadian
corporation</sup> is a subsidiary within the meaning of subsection 1, has been wound up after 1971 and, at a particular time in the course of the winding-up, all or substantially all of the property owned by the corporation immediately before that time was distributed to the shareholders of the corporation,

(a) for the purposes of computing,

- (i) the corporation’s 1971 capital surplus on hand,
- (ii) its paid-up capital deficiency,
- (iii) its capital dividend account, and
- (iv) its capital gains dividend account (within the meaning given to that expression by section 110),

at the time (in this clause referred to as the “time of computation”) immediately before the particular time,

- (v) the fiscal year of the corporation that otherwise would have included the particular time shall be deemed to have ended immediately before the time of computation, and a new fiscal year shall be deemed to have commenced at that time, and
 - (vi) each property of the corporation that was so distributed at the particular time shall be deemed to have been disposed of by the corporation immediately before the end of the fiscal year so deemed to have ended, for proceeds equal to the fair market value thereof immediately before the particular time except that this subclause shall not apply in determining the proceeds of disposition of such property where the corporation is a subsidiary within the meaning of subsection 1; and
- (b) where the corporation is, by virtue of subsection 2 of section 78 or clause *e* of subsection 1, deemed to have paid at the particular time a dividend (in this clause referred to as the “winding-up dividend”) on shares of any class of its capital stock, the following rules apply,
- (i) such portion of the winding-up dividend as does not exceed the corporation’s capital dividend account immediately before that time or capital gains dividend account immediately before that time, as the case may be, shall be deemed, for the purposes of an election in respect thereof under subsection 2 of section 77 or subsection 4 of section 110, as the case may be, and where the corporation has so elected, for all other purposes, to be the full amount of a separate dividend,
 - (ii) the portion of the winding-up dividend equal to the lesser of,
 - (A) the amount by which the winding-up dividend exceeds the portion thereof in respect of which the corporation has made an election under subsection 2 of section 77 or subsection 4 of section 110, as the case may be, and

- (B) the aggregate of the corporation's tax-paid undistributed surplus on hand immediately before that time and its 1971 capital surplus on hand immediately before that time,

shall, for the purposes of an election in respect thereof under subsection 1 of section 77, and, where the corporation has so elected, for all other purposes, be deemed to be the full amount of a separate dividend,

- (iii) notwithstanding clause *j* of subsection 1 of section 83, the winding-up dividend, to the extent that it exceeds the aggregate of the portions thereof deemed by subclause i or ii to be separate dividends for all purposes, shall be deemed to be a separate dividend that is a taxable dividend, and
- (iv) each person who held any of the issued shares of that class at the particular time shall be deemed to have received that proportion of any separate dividend determined under subclause i, ii or iii that the number of shares of that class held by him immediately before the particular time is of the number of the issued shares of that class outstanding immediately before that time.

24.—(1) Clause *g* of subsection 1 of section 83 of the said Act is ^{s. 83 (1) (g),} amended by adding at the end thereof “except that where a corporation's first fiscal year ended after 1971 and the corporation has, after 1971 and on or before the day on or before which it was required by section 145 to file its return for that fiscal year, become a public corporation, it shall, if it so elected in that return, be deemed to have been a public corporation from the commencement of that fiscal year until the day on which it so became a public corporation”.

(2) Clause *h* of subsection 1 of the said section 83 is ^{s. 83 (1) (h),} amended by adding thereto the following subclause:

- (iia) an amount in respect of a government right or an original right in respect of a government right (within the meanings referred to in subparagraph ii.1 of paragraph *h* of subsection 1 of section 89 of the *Income Tax Act* ^{1970-71, c. 63} (Canada)) held by the corporation at that

time equal to the aggregate of all amounts each of which is an outlay or expenditure referred to in that subparagraph made or incurred by the corporation for the purpose of acquiring the right.

s. 83 (1) (h) (iii),
re-enacted

- (3) Subclause iii of clause *h* of subsection 1 of the said section 83 is repealed and the following substituted therefor:

(iii) an amount in respect of any capital property (other than depreciable property) owned by the corporation at that time equal to,

1970-71, c. 63
(Can.)

(A) in the case of capital property referred to in clause A of subparagraph iii of paragraph *h* of subsection 1 of section 89 of the *Income Tax Act* (Canada), the amount determined for the purposes of that clause to be the actual cost of the property to the corporation, and

R.S.O. 1970,
c. 91

(B) in the case of any other capital property, its cost to the corporation determined without reference to *The Corporations Tax Application Rules, 1972*, minus any amounts in respect of the cost thereof deducted in computing the income of the corporation under Part III of *The Corporations Tax Act* as it read in its application to fiscal years prior to 1972,

s. 83 (1) (k) (ii),
amended

- (4) Subclause ii of clause *k* of subsection 1 of the said section 83 is amended by striking out "and" in the fourth line.

s. 83 (1) (k),
amended

- (5) Clause *k* of subsection 1 of the said section 83 is amended by adding thereto the following subclause:

(iia) if the corporation has, before the particular time, elected, under subsection 1 of section 196 of the *Income Tax Act* (Canada) in respect of an amount referred to in paragraph *b* of subsection 1 of section 196 of that Act, to pay a tax on the full amount of its 1971 undistributed income on hand immediately before the election, the amount by which,

- (A) all amounts on which, after the particular time and as a result of the election, tax has been paid by the corporation under Part IX of the *Income Tax Act* (Canada) within ninety days from the day of mailing of the notice of assessment of that tax,

exceeds

- (B) all amounts of that tax, and

- (6) Subclause ii of clause 1 of subsection 1 of the said section 83 is amended by inserting after "time," in the fifth line "other than shares of the capital stock of a subsidiary corporation referred to in subsection 1 of section 82 that were disposed of on the winding-up of the subsidiary where that winding-up commenced after May 29, 1973" and by adding at the end thereof "other than subsections 15, 17 and 21 of section 26 of the *Income Tax Application Rules, 1971* (Canada)". ^{s. 83 (1) (l) (ii), amended}
- (7) Subclause vii of clause 1 of subsection 1 of the said section 83 is amended by inserting after "time," in the sixth line "other than shares of the capital stock of a subsidiary corporation referred to in subsection 1 of section 82 that were disposed of on the winding-up of the subsidiary where that winding-up commenced after May 29, 1973" and by inserting after "1972" in the ninth line ", other than subsections 15, 17 and 21 of section 26 of the *Income Tax Application Rules, 1971* (Canada),". ^{s. 83 (1) (l) (vii), amended}
- (8) The said section 83 is amended by adding thereto the following subsection: ^{s. 83, amended}

(3) Where a dividend becomes payable at the same time on more than one class of shares of the capital stock of a corporation, for the purposes of sections 77, 78 and 82, the dividend on any such class of shares shall be deemed to become payable at a different time than the dividend on the other class or classes of shares and such dividends shall be deemed to become payable in the order designated in prescribed manner by the corporation or, in the event that the corporation does not so designate any such order, in the order as determined for purposes of subsection 3 of section 89 of the *Income Tax Act* (Canada). ^{Simultaneous dividends}

- 25.** Section 85 of the said Act is amended by adding thereto the following subsection: ^{s. 85, amended}

Validity of
election by
member of
partnership

(3) Where a corporation that was a member of a partnership during a fiscal period thereof that ended after 1971 has, for any purpose relevant to the computation of its income from the partnership for the fiscal period made or executed an election under the provisions of any of subsections 11 and 12 of section 17, subsection 10 of section 24, subsections 1 to 4 of section 25, section 26, subsection 1 of section 31*a*, or clause *d* of subsection 1 of section 36, that, but for this subsection, would be a valid election, the following rules apply,

- (a) the election is not valid unless,
 - (i) it was made or executed on behalf of the corporation and each other person who was a member of the partnership during the fiscal period, and
 - (ii) the corporation had authority to act for the partnership;
- (b) unless the election is invalid by virtue of clause *a*, each other person who was a member of the partnership during the fiscal year shall be deemed to have made or executed the election; and
- (c) notwithstanding clause *a*, any election deemed by clause *b* to have been made or executed by any person shall be deemed to be a valid election made or executed by him.

s. 96 (1),
re-enacted

26.—(1) Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor:

Disposition
by corpora-
tion of
capital
interest

(1) Where a corporation has disposed of all or any part of its capital interest in a trust,

- (a) for the purposes of computing the corporation's taxable capital gain, if any, from the disposition of the interest or part thereof, as the case may be, the adjusted cost base to the corporation thereof immediately before the disposition shall be deemed to be an amount equal to the greater of the adjusted cost base to it thereof otherwise determined immediately before that time and the cost amount to it thereof immediately before that time; and
- (b) for greater certainty, for the purposes of computing the corporation's allowable capital loss, if any, from the disposition of the interest or part thereof, as

the case may be, the adjusted cost base to the corporation thereof immediately before the disposition is the adjusted cost base to it thereof immediately before that time as determined under this Act without reference to clause *a*,

except that where the interest was an interest in an *inter vivos* trust not resident in Canada that was purchased by the corporation, clause *a* does not apply in respect of the disposition of all or any part thereof except where subsection 2 is applicable in respect of any distribution of property by the trust to the corporation in satisfaction of that interest or that part thereof, as the case may be.

- (2) Clause *b* of subsection 2 of the said section 96 is repealed <sup>s. 96 (2) (b),
re-enacted</sup> and the following substituted therefor:

(b) the corporation shall be deemed to have acquired the property at a cost equal to the aggregate of its cost amount to the trust immediately before that time and the amount, if any, by which,

(i) the adjusted cost base to the corporation of the capital interest or part thereof, as the case may be, immediately before that time as determined for the purposes of clause *b* of subsection 1,

exceeds

(ii) the cost amount to the corporation of the capital interest or part thereof, as the case may be, immediately before that time.

- 27.**—(1) Clause *c* of subsection 1 of section 97 of the said Act <sup>s. 97 (1) (c),
amended</sup> is amended by inserting after “interest” in the first line, the sixth line and the twenty-fourth line “or part thereof, as the case may be” and by striking out “full” in the fifth line.

- (2) Subclause *vi* of clause *b* of subsection 2 of the said <sup>s. 97 (2) (b)
(vi),
re-enacted</sup> section 97 is repealed and the following substituted therefor:

(vi) where there were prescribed, for the purposes of this subclause, conditions relating to the number of its unit holders, dispersal of ownership of its units or public trading of its units, all holdings of and transactions in its units accorded with those conditions.

s. 101 (b),
amended

28. Clause *b* of section 101 of the said Act is amended by striking out “viii” in the seventh line and inserting in lieu thereof “ix”.

s. 109 (2) (a)
(i) (A),
re-enacted

29.—(1) Sub-subclause A of subclause i of clause *a* of subsection 2 of section 109 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 42, section 8, is repealed and the following substituted therefor:

(A) all capital gains dividends paid by the corporation in the period commencing sixty days after the commencement of the fiscal year and ending sixty days after the end of the fiscal year, and

s. 109 (5) (a),
re-enacted

(2) Clause *a* of subsection 5 of the said section 109, as enacted by the Statutes of Ontario, 1973, chapter 42, section 8, is repealed and the following substituted therefor:

(a) “capital gains dividend account” of a mutual fund corporation at any time means the amount, if any, by which,

(i) its capital gains, for all fiscal years commencing more than sixty days before that time from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

exceeds

(ii) the aggregate of,

(A) its capital losses, for all fiscal years commencing more than sixty days before that time, from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

(B) all capital gains dividends that became payable by the corporation before that time and more than sixty days after the end of the last fiscal year ending more than sixty days before that time, and

- (C) all amounts each of which is an amount in respect of any fiscal year of the corporation ending more than sixty days before that time throughout which it was a mutual fund corporation, equal to $16\frac{2}{3}$ times its capital gains refund for that year.

30.—(1) Subclause ii of clause *a* of subsection 3 of section 110 ^{s. 110 (3) (a) (ii),} of the said Act is repealed and the following sub-^{re-enacted}stituted therefor:

- (ii) the corporation's surplus at that time, determined in prescribed manner, for such of the fiscal years in the period commencing with the 1950 fiscal year and ending with the 1971 fiscal year as were fiscal years throughout which the corporation was not a non-resident-owned investment corporation; and

(2) The said section 110 is amended by adding thereto the ^{s. 110,} following subsection: ^{amended}

(4*a*) Where a dividend has become payable at the same ^{Simul-}time on more than one class of shares of the capital stock ^{taneous} of a non-resident-owned investment corporation, for the ^{dividends} purposes of subsection 4, the dividend on any such class of shares shall be deemed to have become payable at a different time than the dividend on the other class or classes of shares and such dividends shall be deemed to have become payable in the order designated in prescribed manner by the corporation or, in the event that the corporation does not so designate any such order, in the order determined for purposes of the *Income Tax Act* (Canada).

1970-71, c. 63
(Can.)

31. Section 111 of the said Act is amended by striking out ^{s. 111,} “section 77 and section 81” in the sixth line and inserting ^{amended} in lieu thereof “section 77, section 81 and subsection 2 of section 82”.

32.—(1) Subsection 1 of section 167 of the said Act is amended ^{s. 167 (1),} by striking out “Act” in the second line and inserting ^{amended} in lieu thereof “or any predecessor Act in respect of any fiscal year of a corporation that commences after the 31st day of December, 1961” and by striking out “(except prescribed property)” in the fourth and fifth lines.

s. 167 (2),
amended

- (2) Subsection 2 of the said section 167 is amended by striking out "Act" in the second line and inserting in lieu thereof "or any predecessor Act in respect of a fiscal year that commences after the 31st day of December, 1961".

s. 167,
amended

- (3) The said section 167 is amended by adding thereto the following subsection:

Waiver of
lien

- (3) Upon such conditions as he may impose, the Minister may abandon, postpone, release or waive with respect to all or any part of the property of a corporation any lien and charge for taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act.

Commence-
ment

- 33.**—(1) This Act, except sections 1 to 11, 13 to 19, 21 to 24, and 26 to 32, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 2 and 3, subsection 1 of section 4, subsection 1 of section 5, sections 6 to 11, sections 13, 14, 17 and 19, subsection 1 of section 22, section 23, subsections 1, 2, 3, 4, 5 and 8 of section 24, sections 26 to 28, and sections 30, 31 and 32, shall be deemed to have come into force on the 1st day of January, 1972 and apply to corporations in respect of all fiscal years that end during or after 1972.

Idem

- (3) Subsections 1, 2, 3 and 4 of section 21 shall be deemed to have come into force on the 1st day of January, 1972 and apply with respect to dispositions made on or after that date.

Idem

- (4) Subsection 5 of section 21 shall be deemed to have come into force on the 1st day of January, 1972 and applies with respect to distributions of partnership property received as consideration for dispositions made after 1971.

Idem

- (5) Section 1 shall be deemed to have come into force on the 9th day of May, 1972 and applies to corporations in respect of all fiscal years that end during or after 1972, but does not apply in respect of any acquisition or disposition made before the 9th day of May, 1972 of,

(a) an oil sands deposit;

(b) an oil shale deposit; or

(c) a mineral deposit in respect of which the principal mineral extracted is halite that is extracted by operating a brine well.

- (6) Subsection 3 of section 4, subsection 2 of section 5, and ^{Idem} sections 16 and 18 shall be deemed to have come into force on the 1st day of January, 1973 and apply to corporations in respect of all fiscal years that end during or after 1973.
- (7) Subsections 6 and 7 of section 24 shall be deemed to have ^{Idem} come into force on the 31st day of January, 1973 and apply with respect to dispositions of capital property made after that date.
- (8) Subsection 2 of section 4 shall be deemed to have come ^{Idem} into force on the 19th day of February, 1973 and applies to corporations in respect of all fiscal years that commence after that date.
- (9) Section 15 shall be deemed to have come into force on ^{Idem} the 19th day of February, 1973 and applies with respect to any payment of an annuity where such payments are received after that date.
- (10) Subsections 2 and 3 of section 22 shall be deemed ^{Idem} to have come into force on the 29th day of May, 1973 and apply with respect to amalgamations that take place after that date.
- (11) Section 29 shall be deemed to have come into force on ^{Idem} the 27th day of July, 1973 and applies to corporations in respect of all fiscal years that commence after that date.
- (12) Unless the context otherwise requires, the same meaning ^{Interpre-} shall be given to words and expressions used in this ^{tation} section as they bear in *The Corporations Tax Act, 1972*, ^{1972, c. 143} as amended by this Act and by *The Corporations Tax* ^{1973, c. 42} *Amendment Act, 1973*.

34. This Act may be cited as *The Corporations Tax Amendment* ^{Short title} *Act, 1973 (No. 2)*.

CHAPTER 158

**An Act to amend
The Regional Municipality of Niagara Act**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Regional Municipality of Niagara Act*, ^{s. 26, amended} being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(11a) Where, under the provisions of this section, any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. ^{Pension rights and sick leave credits}

2. Section 88 of the said Act is amended by adding thereto ^{s. 88, amended} the following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. ^{Approval required to intersect regional road}

3. The said Act is amended by adding thereto the following ^{s. 92a, enacted} section:

92a.—(1) On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29 of *The Planning Act*, and all such powers shall be exercised by the land division committee established by the Regional Council. ^{No power in committees of adjustment to grant consents R.S.O. 1970, c. 349}

(2) On or before the 1st day of February, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such ^{Land division committee}

persons not fewer than three in number as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

R.S.O. 1970,
c. 349

Land
division
committee
to stand in
place of
committees of
adjustment
for certain
purposes

(3) The land division committee referred to in subsection 2 stands in the place and stead of any committee of adjustment established by an area municipality for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of January, 1974.

Committee
to consult
with council

(4) The land division committee in considering an application to grant consents shall seek the opinion of the council of the area municipality in which the land for the application is situate.

s. 112 (1),
amended

4. Subsection 1 of section 112 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 54, section 6, is further amended by striking out "subsection 5" in the said amendment of 1973 and inserting in lieu thereof "subsections 5 and 11a".

s. 119 (16),
re-enacted

5. Subsection 16 of section 119 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 154 (1),
amended

6. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 14, is amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

s. 156,
amended

7. Section 156 of the said Act is amended by striking out "not exceeding \$50,000 in any one year" in the first and second lines.

Commence-
ment

8.—(1) This Act, except sections 1 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 4 shall be deemed to have come into force on the 1st day of January, 1969.

Short title

9. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1973 (No. 2)*.

CHAPTER 159

**An Act to amend
The Ontario Municipal Employees
Retirement System Act**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 102, section 1, is repealed and the following substituted therefor:

(*g*) “employer” means a municipality or local board or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act or the Province of Ontario in respect of a member who is not eligible to contribute under *The Public Service Superannuation Act* or *The Teachers’ Superannuation Act*. s. 1 (*g*),
re-enacted

R.S.O. 1970,
cc. 387, 455

2. Section 1*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 102, section 2, is amended by inserting after “or” where it occurs the first time in the eighth line “her”. s. 1*a*,
amended
3. Subsection 2 of section 7 of the said Act is repealed and the following substituted therefor: s. 7 (2),
re-enacted

(2) On the 31st day of December, 1973, the Treasurer of Ontario shall issue a Province of Ontario debenture in respect of each year for which a debenture was issued under subsection 1 and the debenture to be issued in respect of the year,

- (*a*) 1963, shall be in the amount of \$4,400,000 and shall bear interest at the rate of 5.49 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1993;

- (b) 1964, shall be in the amount of \$10,700,000 and shall bear interest at the rate of 5.56 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1994;
- (c) 1965, shall be in the amount of \$14,100,000 and shall bear interest at the rate of 5.54 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1995;
- (d) 1966, shall be in the amount of \$20,100,000 and shall bear interest at the rate of 6.00 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1996;
- (e) 1967, shall be in the amount of \$24,900,000 and shall bear interest at the rate of 6.30 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1997;
- (f) 1968, shall be in the amount of \$33,100,000 and shall bear interest at the rate of 7.21 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1998; and
- (g) 1969, shall be in the amount of \$46,700,000 and shall bear interest at the rate of 8.19 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1999.

Interest
adjustment
payment
authorized

(2a) On the 31st day of December, 1973, the Treasurer of Ontario shall pay to the Fund \$9,045,170 as an adjustment of the interest heretofore paid to the Fund on the Province of Ontario debentures issued under subsection 1.

Moneys

4. The moneys required for the purposes of subsection 2a of section 7, as enacted by section 3 of this Act, shall be paid out of the Consolidated Revenue Fund.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1973*.

CHAPTER 160

**An Act to amend
The Regional Municipal Grants Act**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Regional Municipal Grants Act*, being chapter 405 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 64, section 2, is repealed. s. 3 (2),
repealed
- 2.—(1) Section 4 of the said Act is amended by adding s. 4,
amended thereto the following subsection:

(1a) Notwithstanding subsection 1, where in the opinion Redeter-
mination of
population of the Ministry, the population of an area municipality within a regional municipality has increased or decreased as a result of any annexation or amalgamation approved by the Minister, the Ministry may redetermine the population of such area municipality, and such redetermined population shall be the population of the area municipality for the purposes of this Act for the year in which the amalgamation or annexation took place.

(2) Subsection 4 of the said section 4 is repealed. s. 4 (4),
repealed
- 3.—(1) Clause *b* of subsection 2 of section 9 of the said Act, s. 9 (2) (b),
re-enacted as re-enacted by the Statutes of Ontario, 1973, chapter 62, section 3, is repealed and the following substituted therefor:

(b) to any other local municipality or regional, metropolitan or district municipality or county affected by any amalgamation or annexation approved by the Minister, for a period of five years after the effective date of such amalgamation or annexation.

s. 9 (2),
amended

(2) Subsection 2 of the said section 9 is amended by inserting after "regional" in the fifteenth line "county, metropolitan".

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Regional Municipal Grants Amendment Act, 1973 (No. 2)*.

CHAPTER 161

**An Act to amend
The Regional Municipality of Peel Act, 1973**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of *The Regional Municipality of Peel Act, 1973*, ^{s. 51, amended} being chapter 60, is amended by adding thereto the following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation. ^{Approval required to intersect regional road}

2. Section 55 of the said Act is amended by adding thereto ^{s. 55, amended} the following subsection:

(11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973. ^{Land division committee to stand in place of committees of adjustment}

3. Section 61 of the said Act is amended by adding thereto the ^{s. 61, amended} following subsection:

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. ^{Assets and liabilities}

s. 73 (3) (a),
amended

- 4.—(1) Clause *a* of subsection 3 of section 73 of the said Act is amended by adding at the end thereof “on and after the 1st day of January, 1974, in respect of service after such date”.

s. 73,
amended

- (2) The said section 73 is amended by adding thereto the following subsection:

Supple-
mentary
pension plans

(3a) Notwithstanding clause *a* of subsection 3, those members of the Peel Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 5, and its successor, shall be entitled to negotiate with the Peel Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

s. 76,
amended

5. Section 76 of the said Act is amended by adding thereto the following subsections:

Special
rates

(7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising
of money
by area
municipality

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

s. 115 (1),
amended

6. Subsection 1 of section 115 of the said Act is amended by inserting after “24” in the third line “46”.

s. 117,
amended

7. Section 117 of the said Act is amended by adding thereto the following subsection:

Application
of s. 27

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the

function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

8. Section 143 of the said Act is amended by inserting after <sup>s. 143,
amended</sup> “Mississauga” in the first line “and the council of the City of Brampton”.
9. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
10. This Act may be cited as *The Regional Municipality of Peel Amendment Act, 1973*. ^{Short title}

CHAPTER 162

**An Act to amend
The Regional Municipality of Halton Act, 1973**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Regional Municipality of Halton Act, 1973*,
being chapter 70, is amended by adding thereto the following subsection:

(1a) That portion of the Township of Nassagaweya ex-
cluded from the said township under clause *c* of subsection 1
is annexed to the Township of Eramosa on the 1st day
of January, 1974.

Portion of
Nassagaweya
annexed to
Eramosa
2. Section 3 of the said Act is amended by adding thereto the
following subsection:

(6) In the event that any person elected to any municipal
office in the Regional Area cannot for any reason take
office, a vacancy shall be deemed to have occurred in such
office and the provisions of sections 44 and 45 of *The*
Municipal Act apply *mutatis mutandis*.

Failure to
take office

R.S.O. 1970,
c. 284
3. Section 51 of the said Act is amended by adding thereto
the following subsection:

(3) No area municipality shall open up, establish or
assume for public use any highway which intersects with
or enters upon any highway in the regional road system
without the prior written approval of the Regional Cor-
poration.

Approval
required to
intersect
regional road
4. Section 55 of the said Act is amended by adding thereto
the following subsection:

(11) The land division committee constituted under sub-
section 10 stands in the place and stead of any committee
of adjustment dissolved under subsection 9 for the purpose

Land
division
committee
to stand in
place of
committees
of
adjustment
- s. 2,
amended

s. 3,
amended

s. 51,
amended

s. 55,
amended

of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 61,
amended

- 5.** Section 61 of the said Act is amended by adding thereto the following subsection:

Assets and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (3) (a),
amended

- 6.**—(1) Clause *a* of subsection 3 of section 73 of the said Act is amended by adding at the end thereof “on and after the 1st day of January, 1974, in respect of service after such date”.

s. 73,
amended

- (2) The said section 73 is amended by adding thereto the following subsection:

Supple-
mentary
pension plans

(3a) Notwithstanding clause *a* of subsection 3, those members of the Halton Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 5, and its successor, shall be entitled to negotiate with the Halton Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

s. 76,
amended

- 7.** Section 76 of the said Act is amended by adding thereto the following subsections:

Special
rates

(8) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(9) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

Raising
of money
by area
municipality

8. Subsection 1 of section 115 of the said Act is amended by inserting after "44" in the third line "46".

s. 115 (1),
amended

9. Section 117 of the said Act is amended by adding thereto the following subsection:

s. 117,
amended

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

Application
of s. 27

10. Section 138 of the said Act is amended by adding thereto the following subsection:

s. 138,
amended

(2) The Halton County Museum Board is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof vest in the Regional Corporation.

County
Museum
Board
dissolved

11. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

12. This Act may be cited as *The Regional Municipality of Halton Amendment Act, 1973*.

Short title

CHAPTER 163

**An Act to amend
The Regional Municipality of Hamilton-
Wentworth Act, 1973**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 27 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended by adding at the end thereof “and any employees who are members of the retirement plan established under By-law No. 7970 of the City of Hamilton shall continue in such retirement plan and the Regional Corporation shall stand in the place and stead of The Corporation of the City of Hamilton in respect of such employees and the Regional Council may amend such by-law in respect of such employees”. s. 27 (1),
amended
- (2) Subsection 3 of the said section 27 is amended by striking out “is required to employ” in the second line and inserting in lieu thereof “employs”. s. 27 (3),
amended
2. Section 51 of the said Act is amended by adding thereto the following subsection: s. 51,
amended
- (3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. Approval
required to
intersect
regional road
3. Section 55 of the said Act is amended by adding thereto the following subsection: s. 55,
amended
- (11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for consent that may have been pending before any such Land
division
committee
stands in
place of
committee of
adjustment

committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 61,
amended

4. Section 61 of the said Act is amended by adding thereto the following subsection:

Assets
and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (1),
amended

- 5.—(1) Subsection 1 of section 73 of the said Act is amended by inserting after “subsections” in the sixth line “1”.

s. 73 (3) (a),
amended

- (2) Clause *a* of subsection 3 of the said section 73 is amended by adding at the end thereof “on and after the 1st day of January, 1974, in respect of service after such date”.

s. 73,
amended

- (3) The said section 73 is amended by adding thereto the following subsection:

Supple-
mentary
pension plans

(3a) Notwithstanding clause *a* of subsection 3, those members of the Hamilton-Wentworth Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 6, and its successor, shall be entitled to negotiate with the Hamilton-Wentworth Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

s. 73 (5),
re-enacted

- (4) Subsection 5 of the said section 73 is repealed and the following substituted therefor:

Retirement
of present
members of
police of local
municipality

(5) Notwithstanding the provisions of clauses *a* and *b* of subsection 3, those members of the police force of a local municipality whose retirement age under By-law No. 7970 of the City of Hamilton was sixty-five years of age immediately before they became members of the Hamilton-Wentworth Regional Police Force shall retire on attaining thirty-five years of service or sixty-five years of age whichever comes first and for the purpose of bargaining for benefits in the retirement plan established by the said By-law No. 7970 with the bargaining committee established under subsec-

tion 6, and its successor, the Hamilton-Wentworth Police Board shall stand in the place and stead of The Corporation of the City of Hamilton and the provisions of *The Police Act* apply, *mutatis mutandis*, thereto. R.S.O. 1970, c. 351

6. Section 76 of the said Act is amended by adding thereto s. 76, amended the following subsections:

(8) The Regional Corporation may by by-law provide Special rates for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(9) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in Raising of money by area municipality respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

7. Subsection 1 of section 115 of the said Act is amended by s. 115 (1), amended inserting after "44" in the third line "46".

8. Section 117 of the said Act is amended by adding thereto s. 117, amended the following subsection:

(3) In the event that any employee is required to re-Application of s. 27 main on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

9. Subsection 1 of section 134 of the said Act is amended by s. 134 (1), amended adding at the end thereof "except the area municipality of the Town of Ancaster which shall be a town for the purpose of the said section 82".

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1973*. Short title

CHAPTER 164

An Act to amend The Public Hospitals Act

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 48 of *The Public Hospitals Act*, being ^{s. 48 (1),} chapter 378 of the Revised Statutes of Ontario, 1970, as re-enacted enacted by the Statutes of Ontario, 1972, chapter 90, section 23, is repealed and the following substituted therefor:

(1) Any,

Reasons and
appeal

- (a) applicant for appointment or reappointment to the medical staff of a hospital who was a party to a proceeding before the board and who considers himself aggrieved by a decision of the board not to appoint or not to reappoint him to the medical staff; or
- (b) member of the medical staff of a hospital who considers himself aggrieved by any decision revoking or suspending his appointment to the medical staff or under section 41 or the by-laws cancelling, suspending or substantially altering his hospital privileges,

is entitled to,

- (c) written reasons for the decision if a request is received by the board, person or body making the decision within seven days of the receipt by the applicant or member of a notice of the decision; and
- (d) a hearing before the Appeal Board if a written request is received by the Appeal Board and the board, person or body making the decision within seven days of the receipt by the applicant or member of the written reasons for the decision.

- Commence-
ment
2. This Act shall be deemed to have come into force on the 23rd day of June, 1972.
- Short title
3. This Act may be cited as *The Public Hospitals Amendment Act, 1973*.

CHAPTER 165

An Act to amend The Gift Tax Act, 1972

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subparagraph i of paragraph 4 of section 1 of *The Gift Tax Act, 1972*, being chapter 12 of the Statutes of Ontario, 1972, is amended by striking out “and” in the ninth line and inserting in lieu thereof “or”.
s. 1, par. 4, subpar. i, amended
- (2) Paragraph 16 of the said section 1 is amended by striking out “a corporation” in the first line and inserting in lieu thereof “the corporation of a district, metropolitan or regional municipality or”.
s. 1, par. 16, amended
- 2.—(1) Clause *b* of section 10 of the said Act is repealed and the following substituted therefor:
s. 10 (b), re-enacted
 - (b) a testamentary gift or a gift made by the donor during his lifetime under which,
 - (i) the donor is entitled to receive all the income from the donated property and from property substituted therefor and all income from the reinvestment of any income or gains therefrom that arise before his death, and
 - (ii) no person other than the donor is entitled, before the death of the donor, to possess for his own benefit or for the benefit of any other person other than the donor any of the donated property or any property substituted therefor, or receive or otherwise obtain the use of any of the income referred to in subclause i.
- (2) The said section 10 is amended by adding thereto the following clause:
s. 10, amended

(h) absolute and indefeasible gifts, except gifts made by the creation of a settlement or by the transfer of property to a trust, of farming assets in Ontario given by a donor who is resident in Ontario and whose chief occupation is farming, or who is the spouse of an individual who is resident in Ontario and whose chief occupation is farming, to a person or persons resident in Ontario and connected with the donor by blood relationship, marriage or adoption to be used by such person or persons, or by such person or persons together with the donor or the spouse of the donor, in farming in Ontario, but no gifts are exempt from tax by virtue of this clause,

(i) to the extent that the value of all such gifts of farming assets in Ontario, after making allowance for any other exemption or deduction permitted by this Act, that are made in the same year exceeds \$50,000, or

(ii) if the donor, at any time prior to the first day of January of the year in which any gift described in this clause of farming assets in Ontario is made, has made a gift the whole or any part of the value of which was exempt from tax by virtue of this clause.

s. 10,
amended

(3) The said section 10 is further amended by adding thereto the following subsection:

Interpre-
tation

R.S.O. 1970,
c. 449

(2) For the purpose of clause *h* of subsection 1, the expressions "farming" and "farming assets" have the meaning given to them in section 17*a* of *The Succession Duty Act*.

s. 11 (1),
amended

3. Subsection 1 of section 11 of the said Act is amended by striking out "taxable" in the fifteenth line.

s. 12 (b),
re-enacted

4. Clause *b* of section 12 of the said Act is repealed and the following substituted therefor:

(b) the total of all gift taxes paid on or in respect of that real property under the laws in force in the place in which the real property is situated.

Schedule II,
re-enacted

5. Schedule II to the said Act is repealed and the following substituted therefor:

SCHEDULE II

FORMULA FOR CALCULATING AMOUNT OF CONSIDERATION
FOR PURPOSES OF CLAUSE *b* OF SUBSECTION 4 OF SECTION 7

$$Y \text{ — (multiplier} \times .05 \times y) = (\text{multiplier} \times \text{annuity})$$
$$\text{— (multiplier} \times .05 \times \text{value of property disposed of)}$$

In this formula,

- (*a*) *y* is the amount of consideration referred to in clause *b* of subsection 4 of section 7;
- (*b*) annuity is the annual amount of the annuity or periodic payment referred to in clause *b* of section 3;
- (*c*) the value of the property disposed of is the value of the property disposed of under the arrangement or understanding referred to in clause *b* of section 3; and
- (*d*) the multiplier is the present value, as determined in accordance with the regulations, of an annuity of one dollar per year on the life of a person of the same sex as the donor and of the same age as the donor was at the time the property was disposed of under the arrangement or understanding referred to in clause *b* of section 3.

NOTE: Example—

A male person disposes of property of value of \$80,000.00 under an arrangement to receive an annuity of \$6,000.00 for his life. The disposition took place when he was 85 years of age. If the present value of an annuity of one dollar per year for a male person aged 85 is 3.52 the formula can be expressed as follows:

$$y \text{ — (3.52} \times .05 \times y) = (3.52 \times 6000) \text{ — (3.52} \times .05 \times 80,000)$$
$$y \text{ — (.1760}y) = (21120 \text{ — } 14080)$$
$$.8240 \text{ } y = 7040$$
$$y = \frac{7040}{.8240}$$
$$y = 8,543.69$$

The consideration paid for the property disposed of is \$8,543.69.

- 6.—(1) This Act, except subsection 1 of section 1, subsections 2 and 3 of section 2 and section 5, comes into force on the day it receives Royal Assent. Commence-
ment
- (2) Subsection 1 of section 1 and section 5 shall be deemed to have come into force on the 1st day of January, 1972. Idem
- (3) Subsections 2 and 3 of section 2 shall be deemed to have come into force on the 13th day of April, 1973. Idem

7. This Act may be cited as *The Gift Tax Amendment Act, 1973*. Short title

CHAPTER 166

**An Act to amend
The Public Commercial Vehicles Act**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Public Commercial Vehicles Act*, being ^{s. 1, amended} chapter 375 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 71, is further amended by adding thereto the following clause:

(ab) “commercial vehicle” means a commercial motor vehicle as defined in *The Highway Traffic Act* ^{R.S.O. 1970, c. 202} and includes a trailer as defined in that Act and a dual purpose vehicle.

- (2) Clause *k* of the said section 1 is repealed and the follow- ^{s. 1 (k), re-enacted} ing substituted therefor:

(*k*) “public commercial vehicle” means a commercial motor vehicle as defined in *The Highway Traffic Act* or a dual purpose vehicle or the combination of a commercial motor vehicle and trailer or trailers drawn by it, for which a vehicle licence has been issued under this Act.

2. Subsections 1 and 2 of section 2 of the said Act are repealed ^{s. 2 (1, 2), re-enacted} and the following substituted therefor:

(1) No person shall operate a commercial vehicle on a ^{Operating licence required} highway for the transportation for compensation of goods of any other person unless,

(a) pursuant to an operating licence;

(b) a vehicle licence has been issued in respect of the commercial vehicle; and

- (c) the transportation is carried out in accordance with the terms and conditions of the operating licence and the vehicle licence and the provisions of this Act and the regulations.

Exceptions

(2) Subsection 1 does not apply to,

- (a) the transportation of goods within an urban zone; or
- (b) the transportation by a commercial vehicle from a farm or forest of goods other than live stock or milk that are the products of such farm or forest.

s. 3.
re-enacted

3. Section 3 of the said Act is repealed and the following substituted therefor:

Transporta-
tion of goods
for compensa-
tion

3.—(1) Subject to subsection 2, where a commercial vehicle is used for the transportation on a highway of goods that,

- (a) are owned by a person other than the owner or lessee of the vehicle; and
- (b) are being transported pursuant to any arrangement or agreement between the owner or lessee of the vehicle and such other person under which the owner or lessee directly or indirectly receives compensation or consideration of any kind for the use of the vehicle,

the goods shall be deemed for the purposes of this Act to be transported in the vehicle by the owner or lessee of the vehicle, as the case may be, for compensation unless such arrangement or agreement constitutes a valid lease of the vehicle to such other person by the owner or lessee of the vehicle.

Lease of
vehicle

(2) An arrangement or agreement shall be deemed not to be a valid lease of a vehicle for the purposes of this Act,

- (a) unless it is in writing and sets out fully and accurately all the terms under which the vehicle is leased;
- (b) unless the lessee acquires or exercises exclusive possession and control over the vehicle under the arrangement or agreement;
- (c) where the lessor or his agent or servant engages or pays directly or indirectly the driver of the vehicle;

- (d) where the lessor or his agent or servant in any way exercises any control over the driver in the course of his employment as a driver of the vehicle;
- (e) where the lessor of the vehicle or his agent or servant in any manner whatsoever assumes any responsibility for any goods transported by the vehicle; or
- (f) where the vehicle is the subject of more than one arrangement or agreement for its use during the same period of time.

(3) An arrangement or agreement referred to in subsection 1 includes an arrangement or agreement that provides or includes a provision for the transfer of the permit issued under *The Highway Traffic Act* for a commercial vehicle to a person owning goods that are transported in the vehicle and for the subsequent retransfer of the permit to the former registered owner.

Where
vehicle
permit
transferred

R.S.O. 1970,
c. 202

(4) Every driver of a commercial vehicle that is under lease to the owner, consignor or consignee of the goods transported shall carry at all times while transporting the goods on a highway a true copy of the lease and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Ministry.

Production
of
commercial
vehicle lease

4. Section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed.

s. 11,
repealed

5.—(1) Subsection 1 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out “public” in the fifth line.

s. 12 (1),
amended

(2) Subsection 2 of the said section 12 is amended by striking out “public” in the first line and in the eighth line.

s. 12 (2),
amended

6. Section 12e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

s. 12e,
re-enacted

12e.—(1) The Minister, upon receipt of,

- (a) a certificate of public necessity and convenience issued by the Board pursuant to section 12f; and
- (b) payment of the prescribed fee,

Issuance
of freight
forwarder's
licence

shall issue a freight forwarder's licence in accordance with the certificate issued by the Board.

Renewal

(2) Subject to subsection 3, a freight forwarder's licence may be renewed by the Minister upon application by the holder of the licence.

Transitional

(3) A freight forwarder's licence that is in force immediately before the coming into force of this section shall not be renewed until the Board upon the application of the licensee has, after a hearing of the application, approved the renewal of the licence on the ground that public necessity and convenience warrant the renewal of the licence and will be served thereby and has issued a certificate to that effect to the Minister, and the Board, having regard to the requirements of public necessity and convenience, may prescribe in the certificate terms and conditions to govern the freight forwarding business of the applicant.

s. 12*f*,
re-enacted

7. Section 12*f* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

Approval of
Board

12*f*. The Minister shall not issue a freight forwarder's licence to any person unless the Board, upon the application of that person in the prescribed form, has, after a hearing of the application in accordance with *The Ontario Highway Transport Board Act*, approved the issuance of the licence to him on the ground that public necessity and convenience warrant the issuance of the licence and will be served thereby and has issued a certificate to that effect to the Minister, and the Board, having regard to the requirements of public necessity and convenience, may prescribe in the certificate terms and conditions to govern the freight forwarding business.

R.S.O. 1970,
c. 316

s. 12*h* (a),
amended

8. Clause *a* of section 12*h* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out "clause *b* of subsection 1 of section 12*e*" in the third and fourth lines and inserting in lieu thereof "this Act or the regulations".

s. 12*i* (1) (c),
amended

9. Clause *c* of subsection 1 of section 12*i* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out "to refuse to issue a freight forwarder's licence under section 12*e* or" in the first and second lines.

s. 15*b*,
re-enacted

10. Section 15*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

Stopping
of vehicle for
examination

15*b*.—(1) A member of the Ontario Provincial Police Force or an officer of the Ministry may, for the purpose of an examination in accordance with subsection 2, direct, by

signals or otherwise, the driver of any commercial vehicle that is being driven on a highway to stop, and the driver upon being so directed shall stop the vehicle.

(2) A member of the Ontario Provincial Police Force or an officer of the Ministry may at any time examine any commercial vehicle, its contents and equipment for the purpose of ascertaining whether this Act and the regulations are being complied with in the operation of the vehicle, and the driver or other person in control of the vehicle shall assist in the examination of it, its contents and equipment. Examination of vehicle, etc.

(3) Where a commercial vehicle examined under this section contains goods that are being transported, the person conducting the examination may, in addition to any documents required to be produced under *The Highway Traffic Act*, require the driver or other person in charge of the vehicle to produce all documents in his possession or in the vehicle relating to the operation of the vehicle and the transportation and ownership of the goods, including, if any, Production of documents R.S.O. 1970, c. 202.

- (a) the vehicle licence;
- (b) a copy of the conditions of the operating licence under which the vehicle is operated;
- (c) a copy of any lease under which it is being operated; and
- (d) copies of any bills of lading or memoranda thereof,

and to furnish any information that he has relating to the details of the trip on which the goods are being transported and the ownership of the goods.

11. Section 15c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by adding thereto the following subsections: s. 15c, amended

(2) In addition to any other action taken under this Act, where the Minister believes on reasonable and probable grounds that any person has contravened any of the provisions of this Act or the regulations, the Minister may appoint one or more persons to make an investigation to ascertain whether such a contravention has occurred and the person appointed shall report the result of his investigation to the Minister. Appointment of investigators

Examination
of records,
etc.

(3) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations and transactions made by or on behalf of or in relation to such person relating to the transportation of goods or the use of commercial vehicles or that are otherwise relevant to the subject-matter of the investigation,

1971, c. 49,

and for the purpose of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Idem

(4) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Issuance
of order

(5) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section,

- (a) that the investigation has been ordered and that such person has been appointed to make it; and
- (b) that there are reasonable grounds for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation,

the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 3, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sun-

rise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(6) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 3 or under subsection 5 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents shall be promptly thereafter returned to the person whose affairs are being investigated. Removal of documents

(7) Any copy made as provided in subsection 6 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Copies

(8) The Minister may appoint any expert to assist in examining books, papers, documents or things examined under clause *a* of subsection 3 or under subsection 5. Appointment of examiners

12. Section 16 of the said Act is amended by striking out “\$200” s. 16, amended in the fourth line and inserting in lieu thereof “\$1,000”.

13. Clause *f* of section 18 of the said Act is amended by inserting after “persons” in the third line “or classes of persons”. s. 18 (f), amended

14. This Act comes into force on the 31st day of January, 1974. Commencement

15. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1973*. Short title

CHAPTER 167

An Act to amend The Highway Traffic Act

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act*, ^{s. 1 (1), amended} being chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 45, section 1, is further amended by renumbering paragraph 1 and paragraph 1*a* as enacted by the Statutes of Ontario, 1973, chapter 45, section 1, as paragraphs 1*a* and 1*b* respectively and by adding thereto the following paragraph:
1. “Board” means the Licence Suspension Appeal Board established under section 28.
- (2) Paragraph 3 of subsection 1 of the said section 1 ^{s. 1 (1), par. 3, amended} is amended by striking out “police patrols, motor” in the fourth line.
- (3) Subsection 1 of the said section 1 is further amended ^{s. 1 (1), amended} by adding thereto the following paragraphs:
- 7*a*. “driver” means a person who drives a motor vehicle on a highway;
- 7*b*. “driver’s licence” means a licence issued under section 13 to drive a motor vehicle on a highway.
2. Except where the context otherwise requires, a reference in the said Act or the regulations made under the said Act to a “chauffeur” or “operator” shall be deemed to be a reference to a “driver”, and a reference to a “chauffeur’s licence” or “operator’s licence” shall be deemed to be a reference to a “driver’s licence”. ^{“Chauffeur” and “operator” changed to “driver”}
3. The heading to Part III of the said Act is repealed and the following substituted therefor: ^{Part III, heading, re-enacted}

LICENCES
DRIVER, DRIVING INSTRUCTOR

s. 13,
re-enacted

4. Section 13 of the said Act is repealed and the following substituted therefor:

Driver's
licence

13.—(1) No person shall drive a motor vehicle on a highway unless the motor vehicle is within a class of motor vehicles in respect of which the person holds a driver's licence issued to him by the Minister.

Issuance of
licence

(2) The Minister may issue a driver's licence to any person who meets the requirements of this Act and the regulations authorizing the person to drive on a highway,

(a) any motor vehicle within a class or classes of motor vehicles;

(b) subject to any conditions; and

(c) for the period of time,

prescribed by the regulations and set out or referred to in the licence.

Responsi-
bility of
owner of
motor vehicle

(3) No person who is the owner or is in possession or control of a motor vehicle shall permit any person to drive the motor vehicle on a highway unless that person holds a driver's licence issued in respect of the class of motor vehicles to which the motor vehicle belongs.

Examina-
tions

(4) An applicant for a driver's licence or a person who holds a driver's licence shall submit to such examinations as are authorized by the regulations relating to this section and required by the Minister at such times and places as the Minister may require and the Minister may,

(a) in the case of an applicant for a driver's licence,

(i) issue the licence subject to such of the conditions authorized by the regulations and in respect of such class or classes of motor vehicles as in the opinion of the Minister are justified by the results of the examinations, or

(ii) where the applicant fails to submit to or to successfully complete the examinations, refuse to issue a driver's licence to the applicant; or

(b) in the case of a person who holds a driver's licence,

(i) impose or remove such of the conditions authorized by the regulations or change the class or classes of motor vehicles in respect of which the licence is issued in accordance with the results of the examinations, or

(ii) where the person fails to submit to or to successfully complete the examinations, suspend or cancel the driver's licence held by the person.

(5) Notwithstanding any other provision of this Act,^{Transitional} the provisions of this Act and the regulations relating to operators' licences and chauffeurs' licences that are in force immediately before the coming into force of this section shall continue to apply to such licences and the holders thereof until such licences are amended by the regulations related to this section.

(6) The Lieutenant Governor in Council may make regu-^{Regulations}lations relating to this section,

(a) prescribing classes of motor vehicles;

(b) prescribing the term of validity of drivers' licences;

(c) prescribing conditions that shall apply to drivers' licences or any class or classes of drivers' licences;

(d) prescribing classes of drivers' licences;

(e) respecting practical and written driving examinations, and mental and physical, including ophthalmic and auditory, examinations for applicants for and holders of drivers' licences;

(f) respecting the classification of drivers' licences issued under a predecessor of this section and in force immediately before this section comes into force as drivers' licences in accordance with the provisions of this section.

5.—(1) Subsection 1 of section 15 of the said Act is amended by ^{s. 15 (1),}striking out "Sections 13 and 16" in the first line and ^{amended}inserting in lieu thereof "Section 13".

s. 15 (2),
amended

(2) Subsection 2 of the said section 15 is amended by striking out "Sections 13 and 16" in the first line and inserting in lieu thereof "Section 13".

ss. 16, 17,
repealed

6. Sections 16 and 17 of the said Act are repealed.

s. 25 (2),
amended

7. Subsection 2 of section 25 of the said Act is amended by striking out "sections 13 and 16" in the first line and inserting in lieu thereof "section 13".

s. 58,
re-enacted

8. Section 58 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 18, is repealed and the following substituted therefor:

Interpre-
tation

58. In this section and in sections 58*a* to 58*m*,

- (a) "Director" means the Director of Vehicle Inspection Standards appointed under section 58*a*;
- (b) "licensee" means a person who is the holder of a motor vehicle inspection station licence issued under section 58*d*;
- (c) "motor vehicle inspection mechanic" means a person who certifies by means of a safety standards certificate that a motor vehicle complies with the equipment and performance standards prescribed by the regulations;
- (d) "motor vehicle inspection station" means any premises maintained or operated for the inspection of motor vehicles and the issuance of safety standards certificates in respect of such motor vehicles;
- (e) "registrant" means a person who is registered as a motor vehicle inspection station mechanic under section 58*e*.

Director

58*a*. The Minister shall appoint an officer of the Ministry to be the Director of Vehicle Inspection Standards for purposes of sections 58 to 58*m*.

Safety
standards
certificate

58*b*.—(1) No person shall sell a used motor vehicle unless,

- (a) on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a safety standards certificate that was issued upon an inspection that was completed in respect of the motor vehicle not more than thirty days before the date of the

delivery of the used motor vehicle to the purchaser;
or

- (b) the seller forwards to the Ministry the notice required under subsection 2 of section 9 together with the current number plates and permit issued with respect to the motor vehicle.

(2) A person who applies to transfer the permit issued in ^{Transfer of permit} respect of a used motor vehicle shall,

- (a) deliver to the Ministry a safety standards certificate that was issued in respect of the vehicle not more than thirty-six days before the date of the application; or
- (b) forward to the Ministry notice of the transfer of the vehicle in the form referred to in subsection 2 of section 9 together with the current number plates and permit issued with respect to the motor vehicle.

(3) The Ministry shall not issue a permit or number ^{Idem} plates to any person upon an application to transfer the permit issued in respect of a motor vehicle or upon an application to register a used motor vehicle that is registered in another jurisdiction unless there is delivered to the Ministry a safety standards certificate issued upon an inspection that was completed in respect of the motor vehicle not more than thirty-six days before the date of the application.

(4) Subsection 3 does not apply to an application, ^{Exception}

- (a) to transfer the permit issued in respect of a motor vehicle registered in Ontario that is transferred,
 - (i) to the spouse of the owner of the vehicle,
 - (ii) to the estate of the deceased owner of the vehicle, or
 - (iii) from the deceased owner or the estate of the deceased owner of the vehicle to the deceased owner's spouse; or
- (b) to register a commercial motor vehicle that is registered in another jurisdiction and owned by a person who does not reside in Ontario.

Issue of
permit when
certificate
not produced

(5) Upon receipt of the notice together with the number plates and permit pursuant to clause *b* of subsection 1 or clause *b* of subsection 2, the Ministry shall issue a permit marked "unfit motor vehicle" and shall not issue number plates under Part II for the motor vehicle until application is made therefor together with a safety standards certificate that was issued in respect of an inspection of the motor vehicle completed not more than thirty days before the date of the application.

Sale or
transfer to
motor vehicle
dealer
R.S.O. 1970,
c. 475

(6) Subsections 1, 2 and 3 do not apply to the sale or transfer of a used motor vehicle to a motor vehicle dealer registered under *The Motor Vehicle Dealers Act*.

Application
of
R.S.O. 1970,
c. 281, s. 2 (2)

(7) Subsection 2 of section 2 of *The Motor Vehicle Accident Claims Act* does not apply upon the issuance or transfer of a permit that is marked "unfit motor vehicle".

Issue of
safety
standards
certificate

58c.—(1) No person other than a licensee or a person authorized in writing by the licensee shall issue a safety standards certificate.

Idem

(2) A safety standards certificate in respect of a motor vehicle shall not be issued unless,

(a) the motor vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station; and

(b) the certificate,

(i) is made by the motor vehicle inspection mechanic who inspected the motor vehicle, and

(ii) is countersigned by the licensee or a person authorized in writing by the licensee.

Motor
vehicle
inspection
station
licence

58d.—(1) No person shall establish, operate or maintain a motor vehicle inspection station except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a motor vehicle inspection station subject to such conditions as the Director may specify in the licence.

Issuance
of licence

(2) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a motor vehicle inspection station and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

(3) Subject to section 58*h*, the Director may refuse to issue a motor vehicle inspection station licence where, in his opinion,

Grounds for refusal

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the motor vehicle inspection station will not be operated in accordance with the law and with honesty and integrity;
- (b) the proposed motor vehicle inspection station or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;
- (c) the applicant is not competent to operate a motor vehicle inspection station in accordance with this Act and the regulations;
- (d) the equipment and premises are not suitable for the performance of the inspections for which the licence is sought.

(4) A motor vehicle inspection station licence expires with the 31st day of December in the year in which it is issued and a renewal shall be issued where the applicant is not disqualified under subsection 8.

Expiration and renewal of motor vehicle inspection station licence

(5) A motor vehicle inspection station licence is not transferable.

Not transferable

(6) It is a condition of a motor vehicle inspection station licence that the operation of the motor vehicle inspection station be under the charge and control of the licensee.

Operator named in licence

(7) Where the licensee is a corporation, the corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation.

Notice of change

(8) The Director may revoke or refuse to renew a motor vehicle inspection station licence where,

Revocation of licence

- (a) any person has made a false statement in the application for the licence or a renewal thereof or in any safety standards certificate signed by the licensee or a person authorized in writing by the licensee or in any report, document or other information required to be furnished by this Act or

the regulations or any other Act or regulation that applies to the motor vehicle inspection station;

- (b) any inspection authorized by the licence is incompetently performed;
- (c) the licensee or any motor vehicle inspection station mechanic employed in the motor vehicle inspection station has misrepresented the condition of a motor vehicle with respect to the standards of equipment and performance prescribed by the regulations upon an inspection of the motor vehicle in the station for the purpose of determining whether or not to issue a safety standards certificate;
- (d) there is a breach of a condition of the licence;
- (e) the licensee does not comply with this Act or the regulations;
- (f) the inspections that can be performed by the motor vehicle inspection station are misrepresented; or
- (g) a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a motor vehicle inspection station licence under clause *a* of subsection 3.

Motor
vehicle
inspection
mechanic

58*e*.—(1) No person shall certify in a safety standards certificate that a motor vehicle complies with the standards of equipment and performance prescribed by the regulations unless he is registered by the Director as a motor vehicle inspection mechanic in a motor vehicle inspection station and the Director may so register any person for whom application is made pursuant to subsection 2.

Registration

(2) Where a licensee or an applicant for a motor vehicle inspection station licence applies for the registration as a motor vehicle inspection mechanic in the motor vehicle inspection station of the licensee or in the proposed motor vehicle inspection station of the applicant for a licence, as the case may be, of any person who meets the requirements of this Act and the regulations, such person is entitled to be registered as a motor vehicle inspection mechanic in the motor vehicle inspection station.

Grounds
for refusal

(3) Subject to section 58*h*, the Director may refuse to register a motor vehicle inspection mechanic where, in his opinion,

- (a) the past conduct of the mechanic affords reasonable grounds for belief that the mechanic will not act as a motor vehicle inspection mechanic in accordance with the law and with honesty and integrity; or
- (b) the mechanic is not competent to act as a motor vehicle inspection mechanic.

58f. The Director may revoke the registration of a motor vehicle inspection mechanic where, Revocation of registration

- (a) the registrant or the licensee has made a false statement in the application for registration of the registrant or in a safety standards certificate or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the registrant;
- (b) any inspection performed under the authority of his registration is incompetently performed by the registrant; or
- (c) the registrant does not comply with this Act or the regulations.

58g.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the conditions thereof prescribed by the Director, he may by written notice given to the Director and the Board require a hearing by the Board, and the Board shall appoint a time for and hold a hearing. Hearing re terms of licence

(2) Pursuant to a hearing under subsection 1, the Board may affirm the conditions prescribed for the licence by the Director or may cancel such conditions or may prescribe such other conditions for the licence in the place of those prescribed by the Director as it considers proper and such conditions shall be conditions of the licence. Decision of Board

58h.—(1) Where the Director proposes,

Proposal to refuse to issue or revoke

- (a) to refuse to issue or renew a licence;
- (b) to refuse to make a registration; or
- (c) to revoke a licence or registration,

the Director shall serve notice of his proposal, together with written reasons therefor,

- (d) in the case of a proposal to refuse to issue a licence, upon the applicant;
- (e) in the case of a proposal to revoke or to refuse to renew a licence, upon the licensee;
- (f) in the case of a proposal to refuse to make a registration, upon the applicant or licensee and upon the proposed registrant; and
- (g) in the case of a proposal to revoke a registration, upon the registrant and the licensee of the motor vehicle inspection station in which the registrant is employed.

Notice

(2) A notice under subsection 1 shall inform the applicant, licensee, registrant or proposed registrant, as the case may be, that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Director and the Board requiring a hearing by the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where the applicant, licensee, registrant or proposed registrant does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the notice under subsection 1.

Power of
Board where
hearing

(4) Where the applicant, licensee, registrant or proposed registrant requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and shall hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

Extension of
time for
requiring
hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the applicant, licensee, registrant or proposed registrant, under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant, licensee, registrant or proposed registrant, pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

Continua-
tion of
licence pend-
ing renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the licence, the

licensee has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

58i.—(1) The Director, the applicant, licensee, registrant ^{Parties} or proposed registrant who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

(2) Notice of a hearing under section 58g or 58h shall ^{Notice of hearing} afford the applicant, licensee, registrant or proposed registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or for the registration or continuation of the registration, as the case may be.

(3) Any party to proceedings under section 58g or 58h ^{Examination of documentary evidence} shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Board holding a hearing shall not ^{Members holding hearing not to have taken part in investigation, etc.} have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing ^{Recording of evidence} shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Board pursuant to a hearing ^{Findings of fact} shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The* ^{1971, c. 47} *Statutory Powers Procedure Act, 1971*.

Only mem-
bers at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

(9) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(10) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled
to be heard

(11) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(12) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service
of notice

58j. Except where otherwise provided, any notice required by sections 58 to 58m to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

58*k*.—(1) The Minister may appoint one or more persons^{Appointment of inspectors} as inspectors for the purposes of sections 58 to 58*m* and the regulations and such appointments shall be in writing.

(2) The Minister shall issue every inspector appointed^{Certificate of appointment} under subsection 1 a certificate of his appointment and every inspector, in the execution of his duties under this section and the regulations, shall produce his certificate of appointment upon request.

(3) An inspector may at all reasonable times inspect^{Powers of inspectors} the premises, operations and all records of all motor vehicle inspection stations to ensure that the provisions of sections 58 to 58*m* and the regulations are complied with.

(4) Upon an inspection under this section, the inspector^{Idem} may upon giving a receipt therefor remove any material referred to in subsection 3 that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the licensee of the motor vehicle inspection station.

(5) Any copy made as provided in subsection 4 and^{Admissibility of copies} purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

(6) No person shall obstruct the inspector or with-^{Obstruction}hold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

58*l*.—(1) Any person who contravenes any provision of^{Penalty} sections 58 to 58*k* or the regulations made under section 58*m* is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

(2) Any person who makes a false statement in a safety^{Idem} standards certificate is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

58*m*. The Lieutenant Governor in Council may make^{Regulations} regulations,

- (a) prescribing the form and content of safety standards certificates;

- (b) prescribing inspection procedures, inspection requirements and equipment and performance standards of those items to be inspected for a safety standards certificate;
- (c) governing the safety, equipment, premises, maintenance and operation of motor vehicle inspection stations;
- (d) prescribing forms for the purposes of sections 58 to 58*m* and providing for their use;
- (e) prescribing conditions that shall attach to motor vehicle inspection station licences or the registrations of motor vehicle inspection mechanics or any class of either of them;
- (f) classifying motor vehicles, motor vehicle inspection stations and motor vehicle inspection mechanics for the purposes of sections 58 to 58*m*;
- (g) prescribing fees that shall be paid upon applications for motor vehicle inspection station licences and upon the issuance of such licences or renewals thereof and upon applications for and the registration of motor vehicle inspection mechanics;
- (h) requiring that safety standards certificates shall be issued only in the form provided by the Ministry and prescribing the amount that shall be paid to the Ministry for forms of such certificates;
- (i) prescribing the books, records and accounts that shall be kept by licensees;
- (j) governing the reports and returns that shall be made to the Director by licensees and registrants;
- (k) prescribing the qualifications of motor vehicle inspection mechanics;
- (l) prescribing other duties of inspectors;
- (m) prescribing the form, size and content of signs that identify motor vehicle inspection stations and governing the use of such signs;
- (n) requiring and governing the return to the Ministry of unused forms of safety standards certificates and providing for refunds of amounts paid for such forms of certificates;

- (o) requiring and governing the return to the Ministry of signs provided by the Ministry to identify motor vehicle inspection stations.

9. The said Act is amended by adding thereto the following^{s. 128a, enacted} section:

128a.—(1) The council of a municipality may by by-law^{Prohibiting commercial vehicles in left lane} prohibit the operation of a commercial motor vehicle other than a bus in the left lane of any highway under its jurisdiction that has three or more lanes for traffic in each direction and on which the maximum speed limit is fifty miles per hour or more.

(2) A by-law passed pursuant to subsection 1 does not^{When prohibition does not apply} apply to the use of the left lane of a highway by a commercial motor vehicle,

(a) that is being used for the maintenance or construction of the highway; or

(b) in an emergency.

(3) Where the council of a municipality passes a by-law^{Signs} pursuant to subsection 1, the municipality shall erect signs over the left lane of the highway governed by the by-law so located that they can be seen by the drivers of commercial motor vehicles entering the highway from connecting or intersecting highways.

10. This Act comes into force on a day to be named by the^{Commencement} Lieutenant Governor by his proclamation.

11. This Act may be cited as *The Highway Traffic Amendment*^{Short title} Act, 1973 (No. 2).

CHAPTER 168

An Act to amend The Planning Act

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Planning Act*, being chapter 349^{s. 1 (b),} of the Revised Statutes of Ontario, 1970, is amended^{amended} by striking out “Minister” in the second line and inserting in lieu thereof “Treasurer”.
- (2) Clause *e* of the said section 1 is repealed and the follow-^{s. 1 (e),}ing substituted therefor: ^{re-enacted}

(*e*) “Minister” means the Minister of Housing.
- (3) Clause *i* of the said section 1 is amended by striking^{s. 1 (i),} out “Minister” in the second line and inserting in lieu^{amended} thereof “Treasurer”.
- (4) The said section 1 is amended by adding thereto the^{s. 1,} following clause: ^{amended}

(*k*) “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.
2. Sections 2, 3, 5 and 8 of the said Act are amended by striking^{ss. 2, 3, 5, 8,} out “Minister” wherever it occurs and inserting in lieu thereof^{amended} in each instance “Treasurer”.
3. Subsection 1 of section 3 of the said Act is amended by^{s. 3 (1),} striking out “and every appointment to the planning board^{amended} of a joint planning area is subject to the approval of the Minister” in the second, third and fourth lines.

s. 14 (1),
amended

4. Subsection 1 of section 14 of the said Act is amended by striking out "the Minister shall settle such modifications as far as possible to the satisfaction of all concerned" in the eighth, ninth and tenth lines and inserting in lieu thereof "to the Minister he shall, after consultation with the council of the municipality affected, make such modifications", so that the subsection shall read as follows:

Plan to be
submitted
to Minister

(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any ministry of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and, in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable to the Minister, he shall, after consultation with the council of the municipality affected, make such modifications and cause the plan to be amended accordingly.

s. 22 (1, 4, 5-7),
amended

- 5.—(1) Subsections 1, 4, 5, 6 and 7 of section 22 of the said Act are amended by striking out "Municipal Board" wherever it occurs and inserting in lieu thereof in each instance "Minister".

s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsections:

Grants
or loans

(8a) For the purpose of carrying out the redevelopment plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the redevelopment area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the redevelopment plan.

Application
of s. 37 (2, 3)

(8b) The provisions of subsections 2 and 3 of section 37 apply *mutatis mutandis* to any loan made under subsection 8a.

s. 29,
amended

6. Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1 and 1972, chapter 118, section 3, is further amended by adding thereto the following subsections:

Partial
discharges,
etc.,
effect of

(5b) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the

fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

(5c) Subsection 5b does not apply to a partial discharge^{Saving} of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3.

(5d) This section does not apply so as to prevent the^{Application to ARDA} Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer.

7. The said Act is further amended by adding thereto the follow-^{s. 29a, enacted}ing section:

29a.—(1) The Minister may, by order, in respect of land^{Effect of contra-ventions of s. 29, etc., on conveyances heretofore made} described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act* or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause b^{R.S.O. 1970, c. 349} of subsection 1 of section 27, as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is filed with the Registrar of Regulations.

(2) No order shall be made by the Minister under subsec-^{Proviso}tion 1 in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has, by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass.

(3) A municipality may, as a condition to the passage of a^{Municipality may impose conditions} by-law under subsection 2, impose such conditions in respect of any land described in the by-law as it considers appropriate.

(4) Nothing in this section derogates from the power the^{Proviso} Minister, a land division committee or a committee of adjustment has to grant consents referred to in section 29.

s. 32 (3),
re-enacted

8.—(1) Subsection 3 of section 32 of the said Act is repealed and the following substituted therefor:

Order
prevails
over by-law
in event of
conflict

(3) In the event of a conflict between an order made under clause *a* of subsection 1 and a by-law that is in effect under section 35, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

s. 32,
amended

(2) The said section 32, as amended by the Statutes of Ontario, 1972, chapter 118, section 4, is further amended by adding thereto the following subsections:

Hearing
by
O.M.B.

(6*a*) Where an application is made to the Minister for an amendment to an order made under clause *a* of subsection 1, the Minister may request the Municipal Board to hold a hearing on the application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended.

Notice of
application

(6*b*) The Minister shall, in such manner and to such persons as the Municipal Board may direct, give notice of the application and the hearing before the Municipal Board, and the Municipal Board shall hear any objections that any person may desire to bring to the attention of the Municipal Board.

Report to
Minister

(6*c*) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Municipal Board's findings and recommendations in respect of the requested amendment and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter.

Decision of
Minister
final

(6*d*) After considering the report of the Municipal Board, the Minister may either amend or refuse to amend the order and the decision of the Minister is final.

s. 33 (6),
amended

9. Subsection 6 of section 33 of the said Act is amended by adding at the end thereof "and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land".

ss. 35*a*,
35*b*,
enacted

10. The said Act is further amended by adding thereto the following sections:

Interpre-
tation

35*a*.—(1) In this section and in section 35*b*, "redevelopment" means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.

(2) Where there is an official plan in effect in a municipality, the council of the municipality in a by-law passed under section 35 may, as a condition of development or redevelopment of land or buildings in the municipality or in any defined area or areas thereof, prohibit or require the provision, maintenance and use of the following facilities and matters or any of them and may regulate the maintenance and use of such facilities and matters:

Development
control

1. Widenings of highways that abut on the land that is being developed or redeveloped.
2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing including the number, location and size of such facilities and the direction of traffic thereon. <sup>R.S.O. 1970,
c. 201</sup>
3. Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
4. Walkways and all other means of pedestrian access.
5. Removal of snow from access ramps, driveways, parking areas and walkways.
6. Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
7. Conveyance to the municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
8. Floodlighting of the land or of any buildings or structures thereon.
9. Walls, fences, hedges, trees, shrubs or other suitable groundcover to provide adequate landscaping of the land or protection to adjoining lands.
10. Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.

11. Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.
12. Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.

Proviso

(3) Nothing in paragraph 12 of subsection 2 shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Provisions
of by-law

(4) A by-law that includes provisions authorized by subsection 2 may,

R.S.O. 1970,
c. 284

- (a) provide that facilities and matters required by the by-law shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of the municipality, and that in default thereof the provisions of section 469 of *The Municipal Act* shall apply;
- (b) require that the owner of the land enter into one or more agreements with the municipality dealing with the facilities and matters referred to in subsection 2; and
- (c) prohibit the issuance of building permits until the plans referred to in paragraphs 11 and 12 of subsection 2 have been approved by the municipality and until the agreements referred to in clause *b* have been entered into.

Registration
of agreements

(5) Any agreement entered into, as referred to in clause *b* of subsection 4, may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1970,
cc. 409, 234Appeal to
O.M.B.

(6) Where the municipality fails to approve the plans referred to in paragraphs 11 and 12 of subsection 2 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied as to the terms of the proposed agreement referred to in clause *b* of subsection 4 or where the municipality has refused to enter into such an agreement with the owner, the owner of the land may require the plans or agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality,

and the Board shall then hear and determine the question as to the suitability of the plans or of the provisions of the agreement and the Board shall settle and determine the details of the plans and approve the same and settle and determine the provisions of the agreement and may require the municipality to enter into it, and the decision of the Board shall be final.

35b.—(1) As a condition of development or redevelopment of land for residential purposes, the council of a municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding 5 per cent of the land proposed for development or redevelopment be conveyed to the municipality for park purposes. ^{Conveyance of land for park purposes}

(2) For the purposes of subsection 3, “dwelling unit” ^{Interpretation} means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals.

(3) Subject to subsection 4, as an alternative to requiring the conveyance provided for in subsection 1, the by-law may require that land be conveyed to the municipality for park purposes at a rate of one acre for each 120 dwelling units proposed or at such lesser rate as may be specified in the by-law. ^{Alternative requirement}

(4) The alternative requirement authorized by subsection 3 may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains provisions relating to the provision of lands for park purposes, which provisions have been approved by the Minister subsequent to the coming into force of this section. ^{Official plan requirement}

(5) Land conveyed to a municipality under this section shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the conveyance thereof to the municipality and may, after such period, be sold without the approval of the Minister. ^{Use and sale of land}

(6) The council of a municipality may accept money to the value of any land required to be conveyed under this section in lieu of such conveyance and the provisions of subsection 11 of section 33 apply *mutatis mutandis* to all moneys so accepted. ^{Cash payment in lieu of conveyance}

Lands to
which by-law
not
applicable

(7) A by-law passed under this section is not applicable to land that is within a plan of subdivision approved under section 33 if land in the plan was conveyed to the municipality for park or public purposes pursuant to a condition imposed by the Minister or a payment in lieu of such conveyance was accepted by the municipality.

s. 37 (1),
amended

- 11.** Subsection 1 of section 37 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 118, section 8, is further amended by inserting after “of” in the third line “grants or”.

s. 41 (6),
re-enacted

- 12.** Subsection 6 of section 41 of the said Act is repealed and the following substituted therefor:

Quorum

(6) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

ss. 44b,
44c, 44d,
enacted

- 13.** The said Act is further amended by adding thereto the following sections:

Interpre-
tation

44b.—(1) Notwithstanding clause *a* of section 1, “council” for the purposes of this section and sections 44c and 44d means the council of a municipality that has requested delegation as referred to in subsection 2 and that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister’s authority under this Act.

Delegation
of Minister’s
powers

(2) The Minister may on the request of a municipality by order delegate to the council of such municipality any of the Minister’s authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(3) A delegation made by the Minister under subsection 2 may be subject to such conditions as the Minister may by order provide.

Withdrawal
of delegation
of powers

(4) The Minister may by order withdraw any delegation made under subsection 2 and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the

order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation and immediately following any such withdrawal the council shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council prior to such withdrawal.

44c.—(1) Where the Minister has delegated any authority^{Further delegation of powers} to a council under section 44b, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to an appointed officer identified in the by-law either by name or position occupied and such officer has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

(2) A delegation made by a council under subsection 1^{Conditions} may be subject to such conditions as the council may by by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 44b.

(3) A council may by by-law withdraw any delegation^{Withdrawal of delegation of powers} made under subsection 1 and the provisions of subsection 4 of section 44b apply *mutatis mutandis*.

44d.—(1) Where a decision is made by a council or an appointed officer on an application in respect of which the power of approval was delegated under section 44b or 44c, notice of the decision shall be sent to the applicant and to each person who prior to the making of the decision requested in writing notice of the decision.^{Notice of decision}

(2) Where there is an appeal under subsection 3, the council or appointed officer, as the case may be, shall not approve the application to which the appeal relates and in no event shall an application be approved until after the time for appeal provided in subsection 3 has expired.^{No approval while appeal pending}

(3) The applicant and each person who requested written notice of the decision referred to in subsection 1 may appeal to the Municipal Board against the decision by serving personally on or sending by registered mail to the clerk of the municipality in which the council or appointed^{Appeal to O.M.B.}

R.S.O. 1970,
c. 323

officer has jurisdiction notice of appeal accompanied by payment to the clerk of the fee prescribed by the Municipal Board under *The Ontario Municipal Board Act*, as payable on an appeal to the Municipal Board, within twenty-one days after the day on which the notice was sent under subsection 1.

Application
where draft
plan
approved

(4) Where a draft plan of subdivision has been approved under subsection 12 of section 33, subsection 3 does not apply to the approval of the plan of subdivision under subsection 14 of section 33.

Material to
be forwarded
to O.M.B.

(5) The clerk of the municipality, upon receipt of a notice of appeal served on or sent to him under subsection 3, shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection 3 to the Municipal Board by registered mail together with all papers, plans, documents and other material filed with the council or appointed officer, as the case may be, relating to the matter appealed from and such other papers and documents as may be required by the Municipal Board.

Hearing by
O.M.B.

(6) On an appeal to the Municipal Board under subsection 3, the Municipal Board shall hold a hearing of which notice shall be given to the applicant, the clerk of the municipality as referred to in subsection 3 and to such other persons and in such manner as the Municipal Board may determine.

Powers of
O.M.B.

(7) The Municipal Board may dismiss the appeal or may make any decision that the council or appointed officer could have made on the application.

Repeals

14. The following are repealed:

1. Subsection 9 of section 69 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970.
2. Subsection 9 of section 92 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970.
3. Subsection 9 of section 69 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970.
4. Subsection 9 of section 90 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970.

5. Subsection 6 of section 33 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104.
6. Subsection 8 of section 95 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105.
7. Subsection 8 of section 55 of *The Regional Municipality of Peel Act, 1973*, being chapter 60.
8. Subsection 8 of section 55 of *The Regional Municipality of Halton Act, 1973*, being chapter 70.
9. Subsection 8 of section 55 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74.
10. Subsection 8 of section 62 of *The Regional Municipality of Durham Act, 1973*, being chapter 78.
15. Where, in any Act establishing a metropolitan, regional or district municipality reference is made to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in respect of matters pertaining to planning, such reference shall be deemed to be a reference to the Minister of Housing. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs
16. Where a committee of adjustment ceases to have jurisdiction to grant consents as provided in subsection 1 of section 31, the Minister or the land division committee stands in the place and stead of the committee of adjustment for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973. Minister or land division committee to stand in place of committees of adjustment for certain purposes
- 17.—(1) This Act, except sections 1, 2, 7, 13, 14 and 15, comes into force on the day it receives Royal Assent. Commencement
 (2) Sections 1, 2, 7, 13, 14 and 15 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem
18. This Act may be cited as *The Planning Amendment Act, 1973*. Short title

CHAPTER 169

**An Act to amend
The Ministry of Treasury, Economics and
Intergovernmental Affairs Act, 1972**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Ministry of Treasury, Economics and Inter-*<sup>s. 4,
amended</sup>*Governmental Affairs Act, 1972*, being chapter 3, is amended by adding thereto the following subsection:

(2a) The Treasurer is responsible for the formulation of^{Idem} policy with respect to land use planning by the Province and the municipalities and has the direction and control of the administration of the law relating thereto.

2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>
3. This Act may be cited as *The Ministry of Treasury, Economics and*^{Short title}*Intergovernmental Affairs Amendment Act, 1973 (No. 2)*.

CHAPTER 170

**An Act to amend
The Municipal Unconditional Grants Act**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Municipal Unconditional Grants Act*, being^{s. 6,} chapter 293 of the Revised Statutes of Ontario, 1970, is^{amended} amended by adding at the end thereof “provided that a determination or redetermination of the population of a municipality made in the year in which the municipality is incorporated or in which any locality that theretofore did not form part of any municipality is annexed to the municipality is effective for the grant payable in such year of incorporation or annexation”.
2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>
3. This Act may be cited as *The Municipal Unconditional Grants*^{Short title} *Amendment Act, 1973 (No. 2)*.

CHAPTER 171

**An Act to amend
The Municipality of Metropolitan Toronto Act**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 84 of *The Municipality of Metropolitan Toronto Act*, ^{s. 84, amended} being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out “solely for the parking of vehicles” in the sixth line and inserting in lieu thereof “for such purposes as the council of the area municipality may by lease or licence permit”.
2. Section 96 of the said Act is amended by adding thereto the ^{s. 96, amended} following subsection:
 - (4) No area municipality shall open up, establish or assume ^{Approval required to intersect metropolitan road} for public use any highway which intersects with or enters upon any highway in the metropolitan road system, without the prior written approval of the Metropolitan Corporation.
3. Subsection 5 of section 99 of the said Act is repealed and the ^{s. 99 (5), re-enacted} following substituted therefor:
 - (5) No person is eligible to be appointed as a member of ^{Qualification} the Commission unless that person is a resident of an area municipality.
4. Section 148 of the said Act, as amended by the Statutes of ^{s. 148, amended} Ontario, 1973, chapter 48, section 5, is further amended by adding thereto the following subsections:
 - (1b) The Minister may provide from time to time by order ^{Transitional adjustments} that, in the year or years and in the manner specified in the order, the council of the Borough of Scarborough shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified area or areas, rates of taxation for general purposes which are different from the rates which would have

been levied for such purposes but for the provisions of this subsection.

Surplus or deficit to be applied to supporting assessment

(1c) The audited surplus or operating deficit of that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection 1a, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Ministry of Revenue to revise and adjust assessments

(1d) In each year commencing in the year 1973, the Ministry of Revenue shall revise and adjust, by the 15th day of December, the assessments of the property in that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection 1a by the use of adjustment factors which when applied to the local assessments of properties in that portion so annexed would increase or decrease the local assessments on such properties to a value on the same basis as the local assessments on similar properties in the Borough of Scarborough.

Deemed last revised assessment roll

(1e) Notwithstanding the provisions of any general or special Act, the last revised assessment roll of the Borough of Scarborough as revised and adjusted under subsection 1d by the Ministry of Revenue shall be deemed to be the last revised assessment roll of the Borough of Scarborough for all purposes.

When provisions cease to apply

(1f) Subsections 1d and 1e shall cease to apply on a date to be determined by order of the Minister.

s. 161a, enacted

5. The said Act is amended by adding thereto the following section:

Metropolitan Corporation deemed municipality under R.S.O. 1970, c. 140

161a. Notwithstanding clause g of section 1 of *The Elderly Persons Centres Act*, the Metropolitan Corporation shall be deemed to be a municipality for the purposes of such Act.

s. 217, amended

6. Section 217 of the said Act is amended by adding thereto the following subsection:

Idem

(6a) The signature of the chairman or any person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

7. Subsection 1 of section 241 of the said Act is amended by <sup>s. 241 (1),
amended</sup> striking out “and 42” in the second line and inserting in lieu thereof “42 and 46”.
8. The Metropolitan Corporation may enter into an agreement <sup>Agreement
re sanitary
sewer</sup> with The Corporation of the Borough of Scarborough with respect to the construction of a sanitary sewer by The Corporation of the Borough of Scarborough extending northerly from Finch Avenue to Steeles Avenue in the vicinity of Brimley Road designed to receive and dispose of sewage from the Town of Markham and may contribute toward the cost thereof.
9. The council of The Corporation of the Borough of Scarborough <sup>Grant re
acquisition
of golf
course</sup> may make a grant toward the cost of the acquisition of the Tam O'Shanter Golf Course by The Metropolitan Toronto and Region Conservation Authority and debentures may be issued in respect of such grant or any part thereof without the assent of the electors.
- 10.—(1) This Act, except section 9, comes into force on the day <sup>Commence-
ment</sup> it receives Royal Assent.
- (2) Section 9 shall be deemed to have come into force on the ^{Idem} 1st day of November, 1973.
11. This Act may be cited as *The Municipality of Metropolitan* ^{Short title} *Toronto Amendment Act, 1973 (No. 2)*.

CHAPTER 172

**An Act to amend
The Employment Standards Act**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 5a,
enacted

5a. Where the Director finds that a term or condition of employment in a collective agreement as defined in *The Labour Relations Act* confers a higher remuneration in money or a greater right or benefit respecting vacation pay or holidays with pay than the provisions of Part VII or VII-A, the term or condition of employment in the collective agreement shall prevail. Provisions
of
collective
agreements
R.S.O. 1970,
c. 232

- 2.** Section 13 of the said Act is amended by adding thereto the following subsection: s. 13,
amended

(3a) Notwithstanding clause *d* of subsection 3, subsections 1 and 2 shall apply to a person whose contract of employment is or has become impossible of performance or frustrated by an order, direction or notice made, given or issued against an employer under *The Environmental Protection Act, 1971*. Application
of subss. 1, 2
1971, c. 86

- 3.** Section 21 of the said Act is repealed and the following substituted therefor: s. 21.
re-enacted

21.—(1) Where an employee works for an employer in excess of forty-four hours in any week, he shall be paid for each hour worked in excess of forty-four hours an amount not less than one and one-half times his regular rate. Overtime
pay

(2) In complying with subsection 1, no employer shall reduce the regular rate of wages payable to an employee. Idem

Application

4. Notwithstanding section 3, subsection 1 of section 21 of *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, continues to apply in the year 1974.

ss. 27-30,
re-enacted;
s. 31,
repealed

5. Sections 27, 28, 29, 30 and 31 of the said Act are repealed and the following substituted therefor:

Vacations

27.—(1) Every employer shall give to each employee a vacation with pay of at least two weeks upon the completion of each twelve months of employment.

Idem

(2) The amount of pay for such vacation shall be not less than an amount equal to 4 per cent of the total wages of the employee earned in the twelve months of employment for which the vacation is given.

When
vacation
taken

28.—(1) The employer shall determine the period when an employee may take the vacation provided by section 27, which may be a two-week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the twelve month period for which the vacation was given.

Director
may require
employer
to pay

(2) Notwithstanding subsection 1, the Director may require an employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 27.

Vacation
pay

29. Where the employment of an employee by an employer ceases before the completion of a twelve month period of employment or the employee has not been paid or given a vacation with pay pursuant to section 27, the employer shall pay to the employee an amount equal to 4 per cent of the total wages of the employee earned in any twelve month period or part thereof in respect of which no vacation with pay has been given under this Part.

Agreements
for pay
in lieu of
vacation

30. Any agreement between an employer and his employee respecting the method of providing funds for paying vacation pay, or payment in lieu of vacation, or of any arrangements for the taking of vacation, is subject to the approval of the Director.

Application

6. Notwithstanding section 5, sections 27, 29 and 30 of *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, continue to apply for the purpose of calculating the vacation and vacation pay to which an employee is entitled under the said sections 27 and 29 or the amount to which an employee is entitled under the said section 30, for the period of his employment before the 1st day of January, 1974.

7. The said Act is amended by adding thereto the following Part VII-A,
(ss. 31a-31c),
enacted
Part:

PART VII-A

HOLIDAYS WITH PAY

31a.—(1) For the purposes of section 31b and subsection 1 Interpre-
tation of section 31c, “holiday” shall in the year 1974 mean Good Friday, Dominion Day, Labour Day and Christmas Day and where Dominion Day or Christmas Day falls on a Sunday, the day next following is the holiday.

(2) Where an employee to whom subsection 1 of section Application
of Part 31b applies is required to work and does work on New Year’s Day, Victoria Day and Thanksgiving Day in the year 1974, the employer shall pay the employee for each hour worked an amount not less than one and one-half times his regular rate.

31b.—(1) Subject to subsection 2, and except as otherwise Holiday
with pay provided by this Part, an employer shall give to each of his employees a holiday on a day that is a holiday and pay the employee his regular wages for the holiday.

(2) Subsection 1 does not apply to an employee who, Application

- (a) is employed for less than three months;
- (b) has not earned wages for at least twelve working days during the thirty calendar days immediately preceding the holiday;
- (c) does not work on his regular day of work preceding and following the holiday; or
- (d) is employed under an arrangement whereby he may elect to work or not when requested so to do.

(3) The employer may, with the consent of the employee Substituted
day or his agent, substitute for the holiday another working day that is earlier than or not later than thirty days from the date of the holiday, and the substituted day shall be the holiday for the purposes of this Part.

(4) Where a holiday falls upon a non-working day for an Idem employee or during the vacation of an employee, the employer shall designate a working day for the holiday that is earlier than or not later than thirty days from the date of the holiday, and the designated day shall be a holiday for the purposes of this Part.

Work on
holiday

31*c*.—(1) Where an employee to whom subsection 1 of section 31*b* applies is required to work and works on a holiday, the employer shall pay the employee for his work his wages at his regular rate, an additional amount of one and one-half times his regular rate as holiday pay, and in addition any overtime pay to which the employee is entitled under Part IV.

Idem

(2) Where an employee to whom subsection 1 of section 31*b* does not apply is required to work, and works on a holiday, the employer shall pay the employee for each hour worked an amount not less than one and one-half times his regular rate.

s. 32 (2),
amended

8. Subsection 2 of section 32 of the said Act is amended by striking out “homemaker” in the first line and inserting in lieu thereof “homeworker”.

Commence-
ment

9. This Act comes into force on the 1st day of January, 1974.

Short title

10. This Act may be cited as *The Employment Standards Amendment Act, 1973*.

CHAPTER 173

**An Act to amend
The Workmen's Compensation Act**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, is amended by striking out "workman", "workman's", "workmen" and "workmen's" wherever such expressions occur and inserting in lieu thereof in each instance "employee", "employee's", "employees" and "employees'" as the case may be. ^{Act, amended}
- 2.—(1) Subsection 1 of section 1 of the said Act is amended by adding thereto the following clause: ^{s. 1 (1), amended}

(ga) "dependent widower" means the man who was the legal husband and a dependant of an employee immediately before her death.
- (2) Subsection 4 of the said section 1 is repealed and the following substituted therefor: ^{s. 1 (4), re-enacted}

(4) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 3 shall be deemed to be the employer of a member of a municipal volunteer fire brigade or a municipal volunteer ambulance brigade and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than a rate which will provide the minimum amount of compensation under section 43 or more than the maximum rate of annual earnings established by subsection 1 of section 44. ^{Volunteer fire or ambulance brigade}

s. 11,
re-enacted

3. Section 11 of the said Act is repealed and the following substituted therefor:

Where
employer
carried on
payroll,
he and
dependants
entitled to
compensation

11. Where compensation is payable out of the accident fund and an employer carries himself on his payroll or an executive officer of a corporation is carried on the payroll of the corporation at a salary or wage that the Board considers reasonable, but at a rate not less than a rate which will provide the minimum amount of compensation provided by section 43 or more than the maximum rate of annual earnings established by section 44 and it is stated in the payroll statement furnished to the Board under section 93 that it is desired that such employer or executive officer be included as an employee, and the amount of his salary or wages is shown in such statement and included in the estimate for the year, such employer or executive officer shall be deemed to be an employee within the meaning of this Act and he is or his dependants are entitled to compensation accordingly, but, for the purpose of determining the compensation, his earnings shall not be taken to be more than the amount of his salary or wages as shown by such statement.

s. 26 (4),
re-enacted

4. Subsection 4 of section 26 of the said Act is repealed and the following substituted therefor:

Advances
on account
of compensation

(4) In any case where compensation is payable and the Board is of the opinion that the interest or pressing need of the employee or dependant warrants it, the Board may advance or pay to or for the employee or dependant such lump sum as the circumstances warrant.

s. 36 (1) (c, d),
re-enacted

- 5.—(1) Clauses *c* and *d* of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, are repealed and the following substituted therefor:

(c) where the widow or a widower is the sole dependant, a monthly payment of \$250;

(d) where the dependants are a widow or a widower and one or more children, a monthly payment of \$250, with an additional monthly payment of \$70 to be increased upon the death of the widow or widower to \$80 for each child under the age of sixteen years.

s. 36 (2, 3),
re-enacted

- (2) Subsections 2 and 3 of the said section 36 are repealed and the following substituted therefor:

Common-law
wife or
husband

(2) Where an employee has had for the entire period of six years immediately preceding his or her death a common-law

wife or husband or where an employee has had during the entire period of two years immediately preceding his or her death a common-law wife or husband by whom he or she has had one or more children and leaves no dependent widow or widower, the compensation to which a dependent widow or widower would have been entitled under this Part shall be paid to the dependent common-law wife or husband until such time as he or she marries.

(3) A dependent common-law wife or husband receiving ^{Idem} compensation under this section may not be paid compensation for acting or claiming to act as a foster-mother to the children of the deceased employee.

(3) Subsections 6 and 7 of the said section 36 are repealed ^{s. 36 (6, 7), re-enacted} and the following substituted therefor:

(6) Where a child is entitled to compensation under this section and is being maintained and taken care of by a suitable person who is acting *in loco parentis* in a manner that the Board considers satisfactory, such person while so doing is entitled to receive the same monthly payments of compensation for himself or herself and the child as if he or she were a widower or widow of the deceased and in such case the child's part of such payments shall be in lieu of the monthly payments that he would otherwise be entitled to receive. ^{Payment of monthly allowance to person acting in loco parentis}

(7) In addition to any other compensation provided for, ^{Payment of lump sum} the widow or widower, or where the employee leaves no widow or widower, the person acting *in loco parentis*, as described in subsection 6, is entitled to a lump sum of \$500.

6. Section 37 of the said Act is repealed and the following substituted therefor: ^{s. 37, re-enacted}

37.—(1) If a dependent widow or widower remarries or a dependent common-law wife or husband remarries, the monthly payments shall cease, but such widow or widower or dependent common-law wife or husband is entitled in lieu of them to a lump sum equal to the monthly payments for two years, and the lump sum is payable within one month after the day of the remarriage. ^{Remarriage of widow or widower}

(2) Subsection 1 does not apply to payments to a widow or widower in respect of a child. ^{Exception}

7. Sections 5 and 6 do not apply to a widower or a dependent common-law husband where death occurred before the 1st day of January, 1974. ^{Non-application}

ss. 54-81,
re-enacted

8. Sections 54 to 71, section 72 as amended by the Statutes of Ontario, 1973, chapter 46, section 5, and sections 73 to 81 of the said Act are repealed and the following substituted therefor:

WORKMEN'S COMPENSATION BOARD

Board
continued

54.—(1) The body corporate incorporated under the name “Workmen's Compensation Board” is continued.

R.S.O. 1970,
c. 89 not to
apply

(2) *The Corporations Act* does not apply to the Board.

Appointment
of commis-
sioners

55. The Lieutenant Governor in Council may, from time to time, appoint such persons as he may determine to be commissioners of the Board.

Designation
of chairman,
vice-chairmen,
respectively

56. The Lieutenant Governor in Council shall designate one of the commissioners to be chairman, one to be vice-chairman of administration, one to be vice-chairman of appeals, and not less than two and not more than four to be commissioners of appeals respectively, and such persons shall constitute the Board.

Interpre-
tation

57. In this Part, the term “commissioner” means the chairman, the vice-chairman of administration, the vice-chairman of appeals, the commissioners of appeals, and such commissioners as the Lieutenant Governor in Council has appointed, and “commissioners” has a corresponding meaning.

Remunera-
tion, etc., of
commis-
sioners

58. The remuneration, benefits and expenses of the commissioners shall be determined from time to time by the Lieutenant Governor in Council and such remuneration, benefits and expenses shall be part of the administrative expenses of the Board.

Filling of
vacancy

59. The Lieutenant Governor in Council may fill any vacancy that occurs among the commissioners.

Tenure of
office

60. The commissioners shall hold office for a term of not more than five years but any commissioner whose term is expiring or has expired is eligible for reappointment.

Removal of
commissioner
for cause

61. A commissioner may be removed from office before the expiration of his term for cause.

Chief
executive
officer

62.—(1) The chairman is the full-time chief executive officer of the Board.

Chief
administra-
tive officer

(2) The vice-chairman of administration is the full-time chief administrative officer of the Board and shall perform his duties under the general supervision of the chairman.

(3) The vice-chairman of appeals is the full-time chief ^{Chief} appeals officer of the Board and shall perform his duties ^{appeals officer} under the general supervision of the chairman.

(4) The other commissioners shall assist the vice-chairman ^{Idem} of appeals in the performance of his duties.

63.—(1) In the absence of the chairman from the Province, ^{Where vice-chairman of administration may act} his inability to act, or where the office of chairman is vacant, his duties shall be performed by the vice-chairman designated by the chairman, or where the chairman has failed to so designate, by a vice-chairman designated by the Minister of Labour.

(2) Wherever it appears that a vice-chairman acted for ^{Presumption where vice-chairman acts} and instead of the chairman, it shall be conclusively presumed that he has so acted in the absence, disability or vacancy in the office of the chairman.

64.—(1) A commissioner shall not directly or indirectly, ^{Disqualification of commissioner in certain cases}

(a) have, purchase, take or become interested in any industry to which this Part applies or any bond, debenture or other security of the person owning or carrying it on;

(b) be the holder of shares, bonds, debentures or other securities of any company that carries on the business of employers' liability or accident insurance;

(c) have any interest in any device, machine, appliance, patented process or article that may be required or used for the prevention of accidents.

(2) If any such industry, or interest therein, or any such ^{Idem} share, bond, debenture, security or thing comes to or becomes vested in a commissioner by will or by operation of law and he does not within three months thereafter sell and absolutely dispose of it, he ceases to hold office.

65.—(1) Where a commissioner resigns or his term expires, ^{Where commissioner resigns or term expires} he may carry out and complete any duties or responsibilities that he would have had if he had not resigned or his term had not expired in respect of any application, proceeding or matter in which he participated as a commissioner.

(2) Where a person is no longer a commissioner by ^{Powers of remaining commissioners where death occurs, etc.} reason of death, disqualification or removal from office for cause, the remaining commissioners that heard any application, proceeding or matter in which the person participated may carry out and complete the application, proceeding or matter

as if the person were still a commissioner and, where there is a difference of opinion, the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board and, where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as a commissioner of the Board is the action or decision of the Board.

Offices of
Board

66.—(1) The main offices of the Board shall be situate in The Municipality of Metropolitan Toronto.

Sittings

(2) Notwithstanding subsection 1, the Board, a panel of the Board or a commissioner may meet or hold sittings in any place in Ontario as is considered convenient.

Board
may act on
report of
officers

67.—(1) The Board may act upon the report of any of its officers.

Powers of
Board

(2) Any inquiry that the Board considers necessary to make may be made by any commissioner or officer of the Board or by some other person appointed by the Board to make the inquiry, and the Board may act upon his report as to the result of the inquiry.

Power of
Board
to make
regulations

68.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make such regulations as may be considered expedient for carrying out the provisions of this Part.

Offence

(2) Every person who contravenes any such regulation or any rule of an association formed as provided by section 119 that has been approved and ratified as provided by that section is guilty of an offence and for every contravention is on summary conviction liable to a fine of not more than \$50, but no prosecution for any such contravention shall be taken without leave of the Board.

Power to
acquire real
property

69. Subject to the approval of the Lieutenant Governor in Council, the Board may purchase or otherwise acquire such real property as it may consider necessary for its purposes, and may, with the like approval, sell or otherwise dispose of any such property.

Meetings of
Board

70.—(1) Meetings of the Board shall be held at the call of the chairman but in no case shall more than two months elapse between meetings of the Board.

Quorum

(2) A majority of the commissioners of the Board for the time being constitutes a quorum for the transaction of business at meetings of the Board.

(3) The Board has power to,

Powers of
Board

- (a) establish the assessment policies of the Board;
- (b) review this Act and the regulations and recommend amendments or revisions thereof;
- (c) consider and approve annual operating and capital budgets;
- (d) review and approve investment policies of the Board;
- (e) review and approve major changes in programs of the Board;
- (f) enact by-laws and pass resolutions for the adoption of a seal and the conduct of its business and affairs;
- (g) establish, maintain and regulate advisory councils or committees, their functions and composition; and
- (h) establish, with the approval of the Lieutenant Governor in Council, a Joint Consultative Committee representative of labour, management and the public.

71.—(1) In accordance with personnel policies approved from time to time by the Board, the chairman, subject to the approval of the Lieutenant Governor in Council and subject to the provisions of *The Crown Employees Collective Bargaining Act, 1972*, may establish job classifications, personnel qualifications and salary ranges for consultants, actuaries, accountants, experts, officers and employees of the Board, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and salary ranges so approved.

Powers of
chairman

1972, c. 67

(2) When the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any services, such person shall be paid such sum for services and expenses as the chairman may determine.

Remunera-
tion for
services
performed

72. Every copy of or extract from an entry in any book or record of the Board or of or from any document filed with the Board, certified by the secretary of the Board or by such other officer of the Board as may be appointed for that purpose by the chairman to be a true copy or extract under the seal of the Board shall be received in any court as evidence of the matter so certified without proof of the secretary's or other officer's appointment, authority or signature.

Certified
copies of
records, etc.,
as evidence

Superannua-
tion Fund

73.—(1) The fund known as the Workmen's Compensation Board Superannuation Fund, for the payment of superannuation allowances or allowances upon the death or disability of an employee or commissioner of the Board, is continued.

Regulations

(2) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) providing for contributions to the superannuation fund by the commissioners and employees of the Board;
- (b) providing for the terms and conditions upon which any superannuation or other allowance shall be payable out of the superannuation fund and the persons to whom the superannuation or other allowance may be paid;
- (c) providing for the terms and conditions upon which funds will be received and transferred under subsections 6, 7 and 8;
- (d) providing for the terms and conditions under which agreements may be entered into under subsection 8.

Employees
of accident
prevention
associations

(3) The employees of designated associations for accident prevention formed under subsection 1 of section 119 and the employees of designated corporations for accident prevention, the members of which are employees within the meaning of section 119, shall for the purposes of this section be deemed to be employees of the Board, and every employee in the service of any such association or corporation on the 10th day of April, 1952, shall, for the purposes of this section, be deemed to have entered the service of the Board on the date he last entered the service of his association or corporation.

Idem

(4) The Board may designate associations and corporations for the purposes of subsection 3.

Cost of
administer-
ing fund

(5) The cost of maintaining and administering the superannuation fund shall be deemed part of the cost of the administration of this Act and is chargeable to the accident fund.

Transfer
from super-
annuation
fund to
like fund

(6) Where a commissioner or employee of the Board becomes a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act

of the Legislature of any province or of the Parliament of Canada, a sum of money equal to his contributions and credits in the superannuation fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the superannuation fund into any like fund maintained to provide superannuation benefits for the members of such public, civil or civic service or staff, as the case may be.

(7) Where a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature of any province or of the Parliament of Canada becomes a contributor to the superannuation fund and a sum of money is paid into the superannuation fund in respect of the period during which he made contributions as a public, civil or civic servant, or an employee of any board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the superannuation fund in respect of the sum and the period of service represented thereby as is determined. Transfer to superannuation fund

(8) Notwithstanding subsection 1 and the regulations made under subsection 2, the Board, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission or public institution mentioned in subsection 6 or 7 to provide reciprocal arrangements for the transfer of contributions and credits and where such an agreement exists such transfer shall be in accordance with the agreement. Agreements authorized

APPLICATIONS, APPEALS AND PROCEEDINGS

74.—(1) The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court. General jurisdiction of Board

(2) Without limiting the generality of subsection 1, such exclusive jurisdiction includes the power of determining, Specific jurisdiction of Board

- (a) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 1, and, if so, which of them;
- (b) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 2, and, if so, which of them;
- (c) whether any part of any such industry constitutes a part, branch or department of an industry within the meaning of this Part;
- (d) the existence of, and degree of, disability by reason of any injury;
- (e) the permanence of disability by reason of any injury;
- (f) the amount of average earnings;
- (g) the degree of diminution of earning capacity by reason of any injury;
- (h) the existence of the relationship of "member of the family";
- (i) the existence of dependency;
- (j) the question whether personal injury or death has been caused by accident;
- (k) the question whether an accident arose out of and in the course of an employment within the scope of this Act.

Power to
reconsider

75. The Board may, at any time if it considers it advisable to do so, reconsider any decision, order, declaration or ruling made by it and vary, amend or revoke such decision, order, declaration or ruling.

Quorum of
commis-
sioners, etc.

76.—(1) For the purposes of any application, appeal or proceeding before the Board, any three of the commissioners, save and except the vice-chairman of administration, constitute a quorum of the Board and are sufficient to exercise all the jurisdiction and powers of the Board except those contained in subsection 3 of section 70 in dealing with any application, appeal or proceeding.

(2) The Board may sit in two or more panels so long as a ^{Panels} quorum is present in each panel.

(3) The chairman or the vice-chairman of appeals may ^{Assignment of commis-} from time to time assign the commissioners to the panels ^{sioners} and may change any assignment at any time.

(4) The action or decision of the majority of the members ^{Action or decision} of a panel is the action or decision of the Board, and where there is no majority the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board, and where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as commissioner is the action or decision of the Board.

(5) The chairman or vice-chairman of appeals may appoint ^{Powers re-} a commissioner or any other person to make and conduct an ^{conduct of} inquiry into any application, appeal or proceeding before the Board or a matter or thing arising therein and to report to the Board on a summary of the evidence his findings of fact and his opinion thereon and the Board or panel may act upon the summary of evidence, the findings of fact and his opinion or may substitute its own findings of fact or opinion therefor.

77.—(1) Notwithstanding section 76,

^{Delegation of powers}

(a) the chairman or the vice-chairman of appeals; or

(b) a commissioner except the vice-chairman of administration whenever authorized so to do by either the chairman or the vice-chairman of appeals,

may hear and determine any application, appeal or proceeding before the Board and for such purpose may exercise all the jurisdiction and powers of the Board in dealing with any such application, appeal or proceeding and the action or decision of the chairman, the vice-chairman of appeals, or the commissioner, as the case may be, is the action or decision of the Board.

(2) Where the chairman, vice-chairman, or commissioner ^{Referral to Board for} acting under subsection 1 considers it advisable so to do, ^{action or decision} he may refer or remit the application, appeal or proceeding to the Board for its action or decision.

(3) An appeal lies to the Board or a panel thereof under ^{Appeal} the provisions of section 76 from the dismissal or refusal of an application, appeal or proceeding by the chairman, vice-chairman or commissioner acting under subsection 1.

Practice
and
procedure
of Board

78. The Board shall determine its own practice and procedure in relation to applications, appeals and proceedings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable.

Principle of
decision

79.—(1) Any decision of the Board shall be upon the real merits and justice of the case, and it is not bound to follow strict legal precedent but shall give full opportunity for a hearing.

Non-
application
of 1971, c. 47

(2) The proceedings and decisions of the Board shall not be subject to or affected in any way by *The Statutory Powers Procedure Act, 1971*, or by any rules made under it, and the provisions of this Act and the regulations made thereunder shall prevail notwithstanding anything contained in *The Statutory Powers Procedure Act, 1971*, or rules made under it.

Specific
powers of
Board re
hearings,
etc.

80. The Board has power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce such documents or things as the Board considers requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record in civil cases;
- (b) to accept such oral or written evidence as in its discretion it considers proper whether admissible in a court of law or not;
- (c) to allow to an employee, dependant of a deceased employee or his witnesses travelling and living expenses and other allowances and such expenses and allowances shall be paid out of the accident fund as part of the administrative expenses of the Board;
- (d) to require any person or corporation to post and to keep posted upon their premises in a conspicuous place or places, where they are most likely to come to the attention of all persons concerned, any notices that the Board considers necessary to bring to the attention of such persons in connection with any matter or proceeding under this Act;

- (e) to enter into any premises where work is being or has been done by an employee or in which the employer carries on business whether or not the premises are those of the employer and inspect and view any work, material, machinery, appliance or article therein and interrogate any person respecting any matter and post therein any notice;
- (f) to authorize any person to do anything that the Board may do and to report to the Board thereon.

81.—(1) An order of the Board for the payment of compensation or medical aid by an employer who is individually liable to pay the compensation or medical aid or any other order of the Board for the payment of money made under the authority of this Part, or a copy of any such order certified by the secretary to be a true copy, may be filed with the clerk of any county or district court and, when so filed, becomes an order of that court and may be enforced as a judgment of the court.

(2) For the duties performed by him in connection with the filing of an order or certificate of the Board pursuant to this section or section 112, such clerk is entitled to a fee of \$1, and, notwithstanding any other provision or rule, any proceeding provided for by either of such sections may be carried on by the Board by post without the necessity of personal attendance at any office.

81a.—(1) No commissioner of the Board, or any other commissioner or officer or employee of the Board, or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to give testimony in any civil suit or proceeding to which the Board is not a party respecting any information, material, statement or result of any examination, test or inquiry acquired, furnished, obtained, made or received in the performance of his duties under this Act.

(2) Neither the Board, a commissioner thereof or any other commissioner, officer or employee of the Board or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to produce in a civil suit to which the Board is not a party a document, extract, report, material or statement acquired, furnished, obtained, made or received in the performance of his duties under this Act.

Liability
of Board,
etc.

(3) No action or other proceeding for damages lies against the Board, a commissioner thereof or any other commissioner, officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function for an act or omission done or omitted by it or him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability of
Crown

R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 3 had not been enacted.

Audit of
accounts

81b. The accounts of the Board shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose and the salary and remuneration of the auditor so appointed shall be paid by the Board as part of its administrative expenses.

Annual
report

81c.—(1) The Board shall after the close of each year file with the Minister of Labour an annual report upon the affairs of the Board.

Tabling

(2) The Minister of Labour shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session and the report shall then be referred to a standing committee of the Assembly.

Report by
Board

(3) The Board shall after the close of each year file with the Superintendent of Insurance, in such detail as he may require, a report on the accident fund and the Superintendent of Insurance shall report thereon to the Minister of Labour.

Examination
by Super-
intendent of
Insurance

(4) The Superintendent of Insurance shall, whenever required by the Lieutenant Governor in Council or the Board, examine into the affairs and business of the Board for the purpose of determining as to the sufficiency of the accident fund and shall report thereon to the Lieutenant Governor in Council or the Board.

81*d*. To assist in defraying the expenses incurred in the administration of this Part, there shall be paid to the Board out of the Consolidated Revenue Fund such annual sum not exceeding \$100,000 as the Lieutenant Governor in Council may direct. Provincial grant

9.—(1) Subsections 1 and 6 of section 118 of the said Act are repealed and the following substituted therefor: s. 118 (1, 6), re-enacted

(1) Where an employee suffers from an industrial disease and is thereby disabled or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the employee is or his dependants are entitled to compensation as if the disease was a personal injury by accident and the disablement was the happening of the accident, subject to the modifications hereinafter mentioned or contained in the regulations, unless at the time of entering into the employment he has wilfully and falsely represented himself in writing as not having previously suffered from the disease. Industrial diseases to be deemed accidents

(6) The amount of the compensation shall be fixed with reference to the average earnings of the employee as calculated under the provisions of section 44, but for the purposes of this section, where an employee is no longer engaged in the trade, occupation, profession or calling to which the disease is due, the Board may determine his average earnings at an amount that it considers fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling to which the disease is due during the twelve months prior to the commencement of disability, but not in any case exceeding the rate provided by subsection 1 of section 44. Fixing of compensation

(6*a*) Subsections 1 and 6 do not apply to an employee who has been awarded compensation for an industrial disease under section 42 prior to the 1st day of January, 1974, or entitle any employee to claim additional compensation for any period prior to that date, and shall apply only to benefits payable to an employee on and after that date. Idem

(6*b*) The notice provided for by section 20 shall be given to the employer who last employed the employee in the employment to the nature of which the disease was due and the notice may be given notwithstanding that the employee has voluntarily left the employment. Notice

s. 118 (9),
repealed

(2) Subsection 9 of the said section 118 is repealed.

s. 118,
amended

(3) The said section 118 is amended by adding thereto the following subsection:

Agreements
for sharing
costs of
industrial
noise claims

(11a) Notwithstanding any other provision in this Act, the Board may enter into an agreement with the appropriate authority in any other province or territory of Canada to provide for the sharing of costs of industrial noise induced hearing loss claims in proportion to the actual or estimated amount of exposure in Ontario to industrial noise which contributed to the hearing loss.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Workmen's Compensation Amendment Act, 1973 (No. 2)*.

CHAPTER 174

An Act to amend The Game and Fish Act

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 4 of section 92 of *The Game and Fish Act*, being <sup>s. 92,
par. 4,</sup> chapter 186 of the Revised Statutes of Ontario, 1970, is ^{repealed} repealed.
2. This Act comes into force on a day to be named by the <sup>Commence-
ment</sup> Lieutenant Governor by his proclamation.
3. This Act may be cited as *The Game and Fish Amendment* ^{Short title} *Act, 1973 (No. 2)*.

CHAPTER 175

An Act to amend The Municipal Act

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13a of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 124, section 1, is amended by adding at the end thereof "except that in sections 443 and 461 "Minister" means the Minister of Housing". s. 1, par. 13a,
amended

2.—(1) Clause *d* of subsection 1 of section 250 of the said Act s. 250 (1) (d),
re-enacted is repealed and the following substituted therefor:

(*d*) "service" means employment of an employee by a municipality or local board.

(2) Subsection 4 of the said section 250 is repealed and s. 250 (4),
re-enacted the following substituted therefor:

(4) Notwithstanding any general or special Act, a municipality or local board shall not make a contribution for the provision of a pension with respect to an employee under an approved pension plan or under *The Ontario Municipal Employees Retirement System Act* that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service with the municipality or local board up to thirty-five years and reduced in any year in which he is entitled to a pension under the Canada Pension Plan by 0.7 per cent of the lesser of such average annual earnings or the year's maximum pensionable earnings established at the time he ceased to be employed by the municipality or local board multiplied by the number of years of his service after the 1st day of January, 1966 up to thirty-five years, but this subsection does not apply so as to reduce any benefit provided under the terms and conditions of an approved pension plan in force on the 31st day of December, 1965, and does not apply where the employee retires having less than ten years of service. Maximum
pension
benefit
R.S.O. 1970,
c. 324

s. 285 (3),
amended

3. Subsection 3 of section 285 of the said Act is amended by striking out "sections 178 to 180" in the second line and inserting in lieu thereof "section 101 of *The Municipal Elections Act, 1972*".

s. 303,
amended

4. Section 303 of the said Act is amended by adding thereto the following subsection:

Certification
by clerk of
assessment
roll as last
returned
R.S.O. 1970,
c. 32

(2a) Where the regional registrar of the Assessment Review Court has not certified by the 31st day of December in any year in accordance with subsection 3 of section 88 of *The Assessment Act* the last revised assessment roll of any local municipality for taxation in the following year, the clerk of the municipality may, before the 1st day of February in such following year, certify that the assessment roll last returned to him as altered, amended and corrected by him pursuant to section 86 of *The Assessment Act* is the last revised assessment roll for the purpose of any levy made under this section in such year and when the clerk so certifies, the assessment roll last returned to him, as altered, amended and corrected by him, shall be deemed to be the last revised assessment roll for the purpose of any levy made under this section in such year.

s. 354 (1),
par. 24,
re-enacted

5. Paragraph 24 of subsection 1 of section 354 of the said Act is repealed and the following substituted therefor:

Fences
around
private
outdoor
swimming
pools

24. For requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of, and the manner of erecting and maintaining, such fences and gates, for prohibiting persons from placing water in privately-owned outdoor swimming pools or allowing water to remain therein unless the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately-owned outdoor swimming pool may be excavated for or erected and for authorizing the refusal of a permit for any such fences or gates that if erected would be contrary to the provisions of any by-law of the municipality.

s. 453,
par. 3,
amended

6. Paragraph 3 of section 453 of the said Act is amended by inserting after "completed" in the twenty-first line "and for permitting the owners or lessees of land to install, maintain and use stationary or mobile cranes or elevator type hoists within the highways" and by striking out "or heating device" in the thirty-first line and inserting in lieu thereof "heating device or crane or hoist".

7. Section 460 of the said Act is amended by adding thereto the ^{s. 460, amended} following paragraph:

9. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally ^{Establishment of bus lanes} for use by public transit motor vehicles and for prohibiting and regulating the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this paragraph "public transit motor vehicle" means a motor vehicle owned and operated by, for, or on behalf of, the municipality as part of a passenger transportation service.

8. Subsection 10 of section 502 of the said Act is amended by ^{s. 502 (10), amended} striking out "clause e" in the third line and inserting in lieu thereof "paragraph 1".

- 9.—(1) Section 636a of the said Act, as enacted by the Statutes ^{s. 636a, amended} of Ontario, 1972, chapter 124, section 25, is amended by adding thereto the following subsections:

(1a) The council may, by by-law passed on or before the 31st day of December in any year, provide that the Assessment Review Court shall exercise the functions of the council under subsections 6, 7 and 16 and any such by-law shall apply to applications made in and after the year in which such by-law is passed and shall continue so to apply until repealed. ^{By-law to provide for exercise by Assessment Review Court of functions of council}

(1b) The clerk of the municipality shall forthwith forward certified copies of any by-law passed under subsection 1a and of any by-law passed repealing any such by-law to the regional registrar of the Assessment Review Court and to the assessment commissioner. ^{Certified copies of by-law to regional registrar and assessment commissioner}

- (2) Subsection 2 of the said section 636a is repealed and ^{s. 636a (2), re-enacted} the following substituted therefor:

(2) The application may be made at any time during the year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the clerk of the municipality who shall, if the municipality has passed a by-law under subsection 1a, forthwith forward such notice to the regional registrar of the Assessment Review Court and the regional registrar shall in turn forthwith forward a copy of such notice to the assessment commissioner. ^{Time for making application}

- s. 636a (6),
amended
- (3) Subsection 6 of the said section 636a is amended by inserting at the commencement thereof "Where the council has not passed a by-law under subsection 1a".
- s. 636a (7),
amended
- (4) Subsection 7 of the said section 636a is amended by inserting at the commencement thereof "Subject to subsection 7a".
- s. 636a,
amended
- (5) The said section 636a is further amended by adding thereto the following subsection:
- Idem
- (7a) Where the council has passed a by-law under subsection 1a, the Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made.
- s. 636a (11),
amended
- (6) Subsection 11 of the said section 636a is amended by inserting after "to" in the second line "hearings or".
- s. 636a (13),
re-enacted
- (7) Subsection 13 of the said section 636a is repealed and the following substituted therefor:
- Appeal
to county
judge
- (13) An appeal may be had to the county judge by the applicant or the municipality from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an application or appeal under this section and such appeal shall be a hearing *de novo* and the provisions of subsections 3, 4, 6, 7, 9 and 10 of section 55 of *The Assessment Act* apply *mutatis mutandis*, except that the time limit specified in subsection 7 of the said section 55 shall not apply.
- R.S.O. 1970,
c. 32
- s. 636a (16),
amended
- (8) Subsection 16 of the said section 636a is amended by inserting after "council" in the fourth line "or the Assessment Review Court, as the case may be".
- s. 636a,
amended
- (9) The said section 636a is further amended by adding thereto the following subsection:
- Notice of
decision to
assessment
commis-
sioner
- (19) A copy of each notice of decision referred to in subsections 7 and 12 shall be sent by mail to the assessment commissioner by the clerk of the municipality or the regional registrar of the Assessment Review Court, as the case may be, at the same time as the notice of decision is given under subsections 7 and 12, provided that failure to send such copy to the assessment commissioner shall not invalidate any proceedings taken under this section.

- 10.—(1) Section 636*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is amended by adding thereto the following subsections:

(1*a*) Where the council has passed a by-law under sub-section 1*a* of section 636*a*, the council may by the same by-law or by a subsequent by-law provide that the Assessment Review Court shall exercise the functions of the council under subsection 3 and where a subsequent by-law is passed, the clerk of the municipality shall forthwith forward a certified copy thereof and of any by-law passed repealing any such by-law to the regional registrar of the Assessment Review Court and to the assessment commissioner.

(1*b*) Where the council has provided that the Assessment Review Court shall exercise the functions of the council as referred to in subsection 1*a*, the clerk of the municipality shall forthwith forward to the registrar of the Assessment Review Court, as they are received by him from time to time, all notices filed under subsection 1*a* and the regional registrar shall in turn forthwith forward a copy of such notices to the assessment commissioner and the provisions of subsections 2, 3, 4, 5 and 6 shall not apply to the recommendations to which such notices relate.

(7*a*) Where the council has provided that the Assessment Review Court shall exercise the functions of the council as referred to in subsection 1*a*, notice of the date upon which the recommendation is to be dealt with by the Assessment Review Court shall be given by the regional registrar of the Court to the clerk of the municipality and to the person in respect of whom the recommendation is made not less than fourteen days before the date upon which the recommendation is to be dealt with by the Court.

- (2) Subsection 8 of the said section 636*b* is amended by inserting after “appeals” in the second line “and recommendations”.
- (3) Subsection 9 of the said section 636*b* is amended by inserting after “7” in the fourth line “or 7*a*, as the case may be”.
- (4) Subsection 10 of the said section 636*b* is amended by inserting after “Court” in the fourth line “or if the Assessment Review Court deals with the recommendation in the first instance”.

s. 636b (11),
amended

- (5) Subsection 11 of the said section 636b is amended by adding at the end thereof "and the provisions of subsections 3, 4, 6, 7, 9 and 10 of section 55 of *The Assessment Act* apply *mutatis mutandis*, except that the time limit specified in subsection 7 of the said section 55 shall not apply".

s. 636b (14),
amended

- (6) Subsection 14 of the said section 636b is amended by striking out "The council shall not" in the first line and inserting in lieu thereof "Neither the council nor the Assessment Review Court shall".

s. 636b,
amended

- (7) The said section 636b is further amended by adding thereto the following subsection:

Notice of
decision to
assessment
commis-
sioner

- (15) A copy of each notice of decision referred to in subsections 4 and 9 shall be sent by mail to the assessment commissioner by the clerk of the municipality or the regional registrar of the Assessment Review Court, as the case may be, at the same time as the notice of decision is given under subsections 4 and 9, provided that failure to send such copy to the assessment commissioner shall not invalidate any proceedings taken under this section.

Commence-
ment

- 11.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 12.** This Act may be cited as *The Municipal Amendment Act, 1973 (No. 2)*.

CHAPTER 176

**An Act to amend
The Regional Municipality of Durham Act, 1973**

*Assented to December 17th, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 3 of section 67 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as amended by the Statutes of Ontario, 1973, chapter 147, section 7, is repealed and the following substituted therefor:

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Durham Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the City of Oshawa Police Force on and after the 1st day of January, 1974, in respect of service after such date.

- (2) The said section 67 is amended by adding thereto the following subsection:

(3a) Notwithstanding clause *a* of subsection 3, those members of the Durham Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan, the bargaining committee established under subsection 5 and its successor shall be entitled to negotiate with the Durham Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to the past service of such members.

- | | |
|-------------------|---|
| Commence-
ment | 2. This Act comes into force on the day it receives Royal Assent. |
| Short title | 3. This Act may be cited as <i>The Regional Municipality of Durham Amendment Act, 1973 (No. 2)</i> . |

CHAPTER 177

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1974

*Assented to December 20th, 1973
Session Prorogued March 5th, 1974*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1974; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue \$7,128,439,500
granted for
fiscal year
1973-74
Fund a sum not exceeding in the whole \$7,128,439,500 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1973, to the 31st day of March, 1974, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of Exception
March, 1974, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1973*.

SCHEDULE

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor.	46,000		46,000
Office of the Speaker	4,722,000		4,722,000
Office of the Premier	1,083,000		1,083,000
Cabinet Office	1,080,000		1,080,000
Management Board	1,924,000		1,924,000
Civil Service Commission	4,749,000		4,749,000
Office of Provincial Auditor	1,261,000		1,261,000
Government Services	177,827,000	1,250,000	179,077,000
Revenue	365,312,000		365,312,000
Treasury, Economics and Intergovernmental Affairs	312,263,000		312,263,000
Justice Policy	343,000		343,000
Attorney General	65,220,500		65,220,500
Consumer and Commercial Relations	29,066,000		29,066,000
Correctional Services	82,654,000		82,654,000
Solicitor General	87,693,000		87,693,000
Resources Development Policy	374,000		374,000
Agriculture and Food	107,361,500	2,350,000	109,711,500
Environment	130,717,000	1,000,000	131,717,000
Industry and Tourism	38,484,000		38,484,000
Labour	12,779,000		12,779,000
Natural Resources	151,905,000	10,775,000	162,680,000
Transportation and Communications	675,894,000	18,400,000	694,294,000
Social Development Policy	507,000		507,000
Colleges and Universities	807,386,000	10,953,000	818,339,000
Community and Social Services	483,741,000	4,489,000	488,230,000
Education	1,313,336,500	2,201,000	1,315,537,500
Health	2,219,293,000		2,219,293,000
	<u>\$ 7,077,021,500</u>	<u>\$ 51,418,000</u>	<u>\$ 7,128,439,500</u>

PART II
PRIVATE ACTS

Chapters 178 to 215

CHAPTER 178

An Act respecting Aradco Management Limited and Oak Stamping Limited

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Steve Balazs, Shirley Balazs and John Kulcsar ^{Preamble} hereby represent that Aradco Management Limited and Oak Stamping Limited, herein called the Corporations, were incorporated by letters patent dated the 6th day of July, 1961, in the case of Aradco Management Limited, and by letters patent dated the 28th day of April, 1960, in the case of Oak Stamping Limited; that the Provincial Secretary by order made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporations and declared them to be dissolved on the 22nd day of September, 1966, in the case of Aradco Management Limited, and on the 17th day of November, 1967, in the case of Oak Stamping Limited; that the applicants were all the directors and holders of all the common shares of the Corporations at the time of the said dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act*, although sent to each of the applicants as directors, was not received by any of them, and none of them were aware of the dissolution of the Corporations until more than one year after the date thereof; that the Corporations were carrying on, at the time of their respective dissolutions, active commercial businesses; and whereas the applicants hereby apply for special legislation reviving the Corporations; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Aradco Management Limited, incorporated by letters patent dated the 6th day of July, 1961, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, ^{Aradco Management Limited revived}

rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Oak
Stamping
Limited
revived

2. Oak Stamping Limited, incorporated by letters patent dated the 28th day of April, 1960, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Aradco Management Limited and Oak Stamping Limited Act, 1973*.

CHAPTER 179

An Act respecting the City of Barrie

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the City of Barrie hereby ^{Preamble} represents that it is desirous of dissolving The Parks and Recreation Commission of the City of Barrie established by *The City of Barrie Act, 1968*, being chapter 144; The Barrie Arena Commission established by *The Town of Barrie Act, 1945*, being chapter 29; The Kinsmen Park Community Centre Board, The Lions Pool Community Centre Board, The Queen's Park Community Centre Board, The Sunnidale Park Community Centre Board and The Eastview Arena Community Centre Board, all established under *The Com-* <sup>R.S.O. 1970,
c. 73</sup> *munity Centres Act*; and whereas the council of The Corporation of the City of Barrie deems it in the best interest of the people that the functions of the said several boards and commissions be amalgamated and the general management, regulation and control thereof be placed under the control of the council of The Corporation of the City of Barrie; and whereas the applicant hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The following named boards and commissions <sup>Boards, etc.,
dissolved</sup> of the City of Barrie are hereby dissolved on the 1st day of January, 1974:

1. The Parks and Recreation Commission of the City of Barrie.
2. The Barrie Arena Commission.
3. The Kinsmen Park Community Centre Board.
4. The Lions Pool Community Centre Board.
5. The Queen's Park Community Centre Board.

6. The Sunnidale Park Community Centre Board.

7. The Eastview Arena Community Centre Board.

Assets
vested in
city

(2) On the 1st day of January, 1974, all of such assets and liabilities of such boards and commissions as are not already the assets and liabilities of The Corporation of the City of Barrie shall become the assets and liabilities of The Corporation of the City of Barrie, without compensation.

Employees
of boards,
etc., become
employees of
city

(3) On the dissolution of the boards and commissions named in subsection 1, the employees thereof shall become employees of The Corporation of the City of Barrie, and all the terms and conditions of employment respecting such employees and, without limiting the generality of the foregoing, including seniority, remuneration and other benefits in force, shall be assumed by The Corporation of the City of Barrie.

Council
deemed
committee,
etc.
R.S.O. 1970,
cc. 120, 73

2. The council of The Corporation of the City of Barrie shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and regulations made thereunder and a board of a community centre under *The Community Centres Act*.

Repeals

3. The following are repealed:

1. Section 3 of *The Town of Barrie Act, 1945*, being chapter 29.
2. Sections 1, 2, 3, 5 and 6 of *The City of Barrie Act, 1968*, being chapter 144.
3. Sections 11 and 12 of *The City of Barrie Act, 1970*, being chapter 138.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Barrie Act, 1973*.

CHAPTER 180

**An Act respecting The Board of
Education for the Borough of Etobicoke**

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Board of Education for the Borough of Etobicoke hereby represents that it wishes to exchange certain lands which it holds in fee simple subject to a trust for special purposes for other lands of equal area that the said Board holds in fee simple in the same approximate location; and whereas the said Board wishes to convey certain of the lands which it holds in fee simple subject to a trust for special purposes to The Municipality of Metropolitan Toronto; and whereas the said Board holds certain other lands in fee simple subject to a trust for special purposes and the said Board wishes to remove the said trust from those lands; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Board" means The Board of Education for the Borough of Etobicoke;
- (b) "Board's Trust Lands" means those lands held by the Board in fee simple subject to the trust for special purposes set forth in Instrument No. 9872 which lands are described in Instrument No. 9872 as set forth in Schedule A hereto;
- (c) "Borough" means the Borough of Etobicoke in The Municipality of Metropolitan Toronto;
- (d) "Corporation" means The Municipality of Metropolitan Toronto;
- (e) "Easement" means the easement described in an instrument dated the 21st day of February, 1962,

from the Board to The Corporation of the Township of Etobicoke which is registered in the Registry Office for the Registry Division of Toronto Boroughs and York South (formerly the Registry Division of the East and West Riding of the County of York) as No. 255826 Etobicoke;

- (f) "Instrument No. 731" means an instrument dated the 28th day of May, 1874, between Robert Wilson, as grantor, and Andrew Barker and George Garbutt, Trustees of School Section Number Ten in the Township of Etobicoke, as grantees, which is registered in the Registry Office for the Registry Division of Toronto Boroughs and York South (formerly the Registry Division of the East and West Riding of the County of York) as No. 731 Etobicoke;
- (g) "Instrument No. 9872" means an instrument dated the 28th day of April, 1910, between Martin Shaw and Annie Shaw of the Township of Etobicoke, as grantors, and Edward P. Cave, George E. Farr and Albert D. Johnston, Trustees of School Section Number Ten in the Township of Etobicoke, as grantees, and registered in the Registry Office for the Registry Division of Toronto Boroughs and York South (formerly the Registry Division of the East and West Riding of the County of York) as No. 9872 Etobicoke;
- (h) "Instrument No. 9874" means an instrument dated the 2nd day of May, 1910, between the Municipal Corporation of the Township of Etobicoke, as grantor, and Edward P. Cave, George E. Farr and Albert D. Johnston, Trustees of School Section Number Ten in the Township of Etobicoke, as grantees, which is registered in the Registry Office for the Registry Division of Toronto Boroughs and York South (formerly the Registry Division of the East and West Riding of the County of York) as No. 9874 Etobicoke;
- (i) "New Village Green" means those lands that are described in Schedule B hereto;
- (j) "Old Village Green—Phase I" means those lands held by the Board in fee simple subject to the trust for special purposes set forth in Instrument No. 731, which lands are described in Instrument No. 731 as set forth in Schedule C hereto;

- (*k*) "Old Village Green—Phase II" means those lands held by the Board in fee simple subject to the trust for special purposes set forth in Instrument No. 9874, which lands are described in Instrument No. 9874 as set forth in Schedule D hereto;
- (*l*) "Right of Way" means the public right of way over the lands which are situate, lying and being in the Borough being 8 feet in width immediately adjoining the northerly limit of Lot 32, Concession "B", Northern Division of the Township of Etobicoke and extending from the road allowance between Concessions "A" and "B" in the Northern Division of the Township of Etobicoke, now known as Islington Avenue to Albion Road (formerly Weston Road);
- (*m*) "Road Widening Lands" means the lands being part of the Old Village Green—Phase I and the Old Village Green—Phase II taken from the Board by The Corporation of the Borough of Etobicoke to widen the road allowance between Concession "A" and "B" in the Northern Division of the Township of Etobicoke now known as Islington Avenue, which lands are described as set forth in Schedule E hereto.

2. The Old Village Green—Phase I less the Road Widening Lands is hereby vested in the Board to be held in fee simple subject to the reservations, limitations, provisos, and conditions expressed in the original grant thereof from the Crown. Lands vested in Board in fee simple

3. The trust for special purposes set forth in Instrument No. 731 is hereby terminated. Trust terminated

4. The Old Village Green—Phase II less the Road Widening Lands is hereby vested in the Board to be held in fee simple subject to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown. Lands vested in Board in fee simple

5. The trust for special purposes set forth in Instrument No. 9874 is hereby terminated. Trust terminated

6. The New Village Green, held by the Board in fee simple, subject to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown and subject to the Easement, is hereby declared to be held by the Board in trust as a park for use and enjoyment by the public generally and the Board shall have no power to convey the New Village Green to be used for any other purpose whatever. Lands held by Board subject to trust

Right
of way
extinguished

7. The Right of Way is hereby extinguished.

Lands
vested in
Metropolitan
Toronto

8. The Road Widening Lands are hereby vested in the Corporation.

Lands
vested in
Board in
fee simple

9. The Board's Trust Lands are hereby vested in the Board to be held in fee simple subject to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

Trust
terminated

10. The trust for special purposes set forth in Instrument No. 9872 is hereby terminated.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Board of Education for the Borough of Etobicoke Act, 1973*.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Etobicoke, in the County of York and Province of Ontario, being composed of part of lot number thirty-three in concession lettered "B" Northern Division of the said Township of Etobicoke, and which may be more particularly described as follows: that is to say:

COMMENCING at a point in the southerly limit of the Albion Road where it is intersected by the southerly limit of said lot number thirty-three; thence westerly measured along the said southerly limit of the Albion Road thirty-nine feet to a stake; thence southerly on a course at right angles to the southerly limit of the said Albion Road sixty-three feet more or less to the southerly limit of said lot number thirty-three; thence easterly measured along the southerly limit of said lot number thirty-three sixty-seven feet more or less to the place of beginning.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Borough of Etobicoke (formerly the Township of Etobicoke), The Municipality of Metropolitan Toronto, and Province of Ontario, and being composed of Parts of Lots 32 and 33, Concession "B", Northern Division Fronting the Humber, and Parts of Lots 87, 88, 89, 90, 91 and 92, according to a plan on file in the Registry Office for the Registry Division for Toronto Boroughs and York South as Number 1946, which parcel of land may be more particularly described as follows:

PREMISING that the South Westerly limit of the Albion Road as widened by Part 29, according to a plan on file in the Registry Office for the Registry Division for Toronto Boroughs and York South as Number R S 1103, has an astronomical course of North $56^{\circ} 01' 20''$ West, relating all bearings hereon, thereto:

BEGINNING at the North Westerly angle of Lot 32, being a point in the Easterly limit of the Road Allowance between Concessions "A" and "B" (Islington Avenue);

THENCE North $72^{\circ} 17' 20''$ East following the limit between Lots 32 and 33 a distance of 27.00 feet more or less to its intersection with a line drawn parallel to and distant 27.00 feet measured Easterly at right angles to the original Easterly limit of Islington Avenue, the said point of intersection marking the Point of Commencement;

THENCE South $17^{\circ} 13' 40''$ East along the said parallel line a distance of 287.89 feet to a Standard Iron Bar being distant 50.00 feet measured Southerly thereon from the North Westerly angle of Lot 87, Registered Plan 1946;

THENCE North $71^{\circ} 46' 20''$ East being parallel to the Northerly limit of Registered Plan 1946 a distance 240.36 feet to a point;

THENCE North $18^{\circ} 47' 10''$ West a distance of 244.10 feet to a point;

THENCE South $70^{\circ} 14' 40''$ West a distance of 232.07 feet to its intersection with a line drawn parallel to and distant 27.00 feet measured Easterly at right angles to the original Easterly limit of Islington Avenue;

THENCE South $18^{\circ} 14' 40''$ East along the said parallel line a distance of 49.75 feet more or less to the Point of Commencement.

SCHEDULE C

ALL AND SINGULAR those certain parcels or tracts of land, and premises, situate, lying and being in the Township of Etobicoke, in the County of York, and Province of Ontario, in the Dominion of Canada and may be known and described as follows, that is to say, Being composed of a portion of lot number Thirty-two, in Concession Lettered "B" in said Township of Etobicoke—COMMENCING at the North-west angle of said Lot No. 32; thence Easterly along the limit between lots Numbered thirty-two, and thirty-three fifteen rods to a stake; thence southerly and parallel with the concession line eight rods to a stake; thence westerly and parallel to the limit between said lots fifteen rods, to the eastern limit of the allowance for road between Concessions "B" and "A", where a stake is planted; thence northerly along said limit of road eight rods, to the place of beginning—Containing three-quarters of an acre—Also a lane eight feet wide extending from the north-east angle of said described $\frac{3}{4}$ of an acre; along the limit between said lots numbered 32, and 33 to the Albion Road.

SCHEDULE D

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Etobicoke, in the County of York, and Province of Ontario being composed of a part of Lot number thirty-two in the Concession lettered "B", Northern Division of the said Township of Etobicoke, and which may be more particularly described as follows: that is to say: COMMENCING at a point in the easterly limit of the Road allowance between Concessions lettered "A" and "B" in the Northern Division of the said Township, at the distance of eight feet measured southerly along the said easterly limit from the northerly limit of said Lot number thirty-two; thence southerly along the said easterly limit of the said road allowance fourteen and one-half rods more or less to the South-westerly angle of a plot of land known as the "Village Green"; thence easterly measured along the southerly limit of the said "Village Green" twenty-one rods fifteen and one-half feet more or less to the westerly limit of the Public School site of School Section number ten; thence northerly measured along the westerly limit of said school site fourteen and one-half rods more or less to the southerly limit of a Right of Way, eight feet in width immediately adjoining the northerly limit of said Lot number thirty-two; thence westerly measured along the southerly limit of the said Right of Way twenty-one rods fifteen and one-half feet more or less to the place of beginning: Also any right or title that the said Municipal Corporation may hold in a public Right of Way eight feet in width immediately adjoining the northerly limit of said Lot number thirty-two and extending from the said Road Allowance between Concessions lettered "A" and "B", to the Albion Road.

SCHEDULE E

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Borough of Etobicoke (formerly the Township of Etobicoke), the Municipality of Metropolitan Toronto, and Province of Ontario, and being composed of Part of Lot 32, Concession "B", Northern Division Fronting the Humber, which parcel of land may be more particularly described as follows:

PREMISING that the South Westerly limit of the Albion Road as widened by Part 29, according to a plan on file in the Registry Office for the Registry Division for Toronto Boroughs and York South as Number R S 1103, has an astronomical course of North $56^{\circ} 01' 20''$ West relating all bearings hereon, thereto:

COMMENCING at the North Westerly angle of Lot 32, being a point in the Easterly limit of the Road Allowance between Concessions "A" and "B" (Islington Avenue);

THENCE South $17^{\circ} 13' 40''$ East following the original Easterly limit of Islington Avenue a distance of 238.20 feet to the North Westerly angle of Lot 87, according to a plan on file in the Registry Office for the Registry Division for Toronto Boroughs and York South as Number 1946;

THENCE North $71^{\circ} 46' 20''$ East following the Northerly limit of the said Lot 87 a distance of 27.00 feet to an iron bar planted in a line drawn parallel to and distant 27.00 feet measured Easterly at right angles to the original Easterly limit of Islington Avenue;

THENCE North $17^{\circ} 13' 40''$ West along the said parallel line a distance of 237.89 feet to its intersection with the Northerly limit of Lot 32;

THENCE South $72^{\circ} 17' 20''$ West along the last mentioned limit a distance of 27.00 feet more or less to the Point of Commencement.

CHAPTER 181

An Act respecting the Town of Brampton*Assented to May 18th, 1973**Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the Town of Brampton ^{Preamble} hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Town of Brampton ^{Pedestrian promenade, Main St.} may pass by-laws for establishing that part of Main Street in the Town between the north limit of Queen Street and the south limit of Nelson Street West or any part or parts thereof solely or principally as a pedestrian promenade for one eight-day period in the year 1973, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Main Street and the obstruction thereof by such persons and in such manner and to such extent as the council may consider desirable.

2. Notwithstanding the provisions of any general or ^{Right to damages by reason of creation of promenade} special Act, no person shall be entitled to recover any damages or compensation from The Corporation of the Town of Brampton for loss of business or for loss of access to or from Main Street arising from the exercise by the Corporation of its powers under section 1.

3. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

4. This Act may be cited as *The Town of Brampton Act*, ^{Short title} 1973.

CHAPTER 182

An Act respecting Bridge Street United Church Foundation

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Alastair Donald Cameron, of the City of Belleville, in the County of Hastings, retired Bank Manager, Ronald William Cass, of the City of Belleville, in the County of Hastings, Lawyer, Douglas Gordon Burr, of the City of Belleville, in the County of Hastings, Insurance Agent, Jacob Carroll Anderson, of the City of Belleville, in the County of Hastings, Judge, Joseph George Demeza, of the City of Belleville, in the County of Hastings, School Superintendent, Harold Milton Davis, of the City of Belleville, in the County of Hastings, retired Minister, Robert John Ord, of the City of Belleville, in the County of Hastings, Lawyer, John Henry Canning, of the City of Belleville, in the County of Hastings, Accountant, John William Deacon, of the City of Belleville, in the County of Hastings, Real Estate Agent, Phyllis Irene Berry, of the City of Belleville, in the County of Hastings, Housewife, Donald George Williams, of the Township of Sidney, in the County of Hastings, Life Underwriter, and John Dale O'Flynn, of the Township of Ameliasburgh, in the County of Prince Edward, Lawyer, hereby represent that it is desirable to incorporate a charitable foundation; and whereas the applicants hereby apply for special legislation to effect such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Alastair Donald Cameron, Ronald William Cass, Douglas Gordon Burr, Jacob Carroll Anderson, Joseph George Demeza, Harold Milton Davis, Robert John Ord, John Henry Canning, John William Deacon, Phyllis Irene Berry, Donald George Williams and John Dale O'Flynn and all persons who, from time to time, are members of the congregation of Bridge Street United Church, Belleville, Ontario, are hereby constituted a body politic and corporate under the name of Bridge Street United Church Foundation, hereinafter called the Foundation.

Foundation
incorporated

Head office

(2) The head office of the Foundation shall be in the City of Belleville, in the County of Hastings.

Powers of Foundation

2. The Foundation has the power for charitable purposes, to engage in religious, educational and charitable activities of all kinds and, without in any way limiting the generality of the foregoing,

- (a) to support the purposes, aims and objectives of said Bridge Street United Church, and those of such other congregations of The United Church of Canada as may, from time to time, be considered advisable by the Board of Directors;
- (b) to support the purposes, aims and objectives of The United Church of Canada;
- (c) to support the purposes, aims and objectives of such universities and other educational institutions in Ontario and elsewhere as may, from time to time, be considered advisable by the Board of Directors;
- (d) as permitted by the by-laws of The United Church of Canada, to take such steps, by personal or written appeals, campaigns, public meetings or otherwise, as may, from time to time be deemed advisable for the purpose of procuring contributions to the funds of the Foundation;
- (e) to print and publish any newspapers, periodicals, books or leaflets that may be considered advisable for the promotion of the objects of the Foundation; and
- (f) to exercise any of the powers from time to time afforded the Foundation by this Act, *The United Church of Canada Act* or any other applicable Act of the Province of Ontario (but such powers shall not include any powers granted by any such Act exclusively to The United Church of Canada) only in furtherance of the carrying out of the aforesaid charitable purposes.

1925, c. 125

Property
R.S.O. 1970,
c. 225

3.—(1) The Foundation has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, the power to purchase or otherwise acquire, take or receive by gift, deed, bequest or devise or otherwise any real or personal property necessary for its actual use and occupation or for carrying on its undertaking absolutely or in trust and to hold and enjoy any estate or property whatso-

ever and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease and otherwise dispose of the same or any part thereof from time to time as occasion may require, and to acquire other estate and property in addition thereto without license in mortmain and without limitation as to the period of holding.

(2) The Foundation has power,

Borrowing
powers

- (a) to borrow money on its credit in such amounts, on such terms and from such persons, firms, and corporations, including chartered banks, as may be determined by the Board of Directors;
- (b) to make, draw and endorse promissory notes or bills of exchange;
- (c) to mortgage, hypothecate, pledge or charge any or all of its personal and real property to secure any moneys so borrowed or the fulfillment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it,

provided that the total indebtedness of the Foundation shall not exceed \$50,000 without the prior written consent of the Executive or Sub-Executive of the General Council of The United Church of Canada.

4. The funds of the Foundation not immediately required for its purposes and the proceeds of all property that have come into the Foundation, subject to any trusts affecting the same, may be invested and reinvested in trustee investments and in any shares, bonds or debentures in which Canadian life insurance companies are permitted to invest their funds, whether or not they are investments in which trustees are authorized to invest trust funds, without being restricted as to the proportion of the funds of the Foundation which are invested in any class of such investments and all its property and revenue shall be applied for the attainment of the objects for which the Foundation is constituted and to the payment of expenses incurred for objects legitimately connected with or depending on the purposes aforesaid.

Investment
powers

5.—(1) The members of the Foundation shall consist of those persons who, from time to time, are members of the congregation of the said Bridge Street United Church.

Members of
Foundation

(2) Any person who becomes a member of the said Bridge Street United Church shall automatically become a member of the Foundation and any member of the Foundation who

Idem

ceases to be a member of Bridge Street United Church shall automatically cease to be a member of the Foundation.

Board of
Directors

6.—(1) There shall be a Board of Directors of the Foundation that shall consist of the persons named in section 1 who shall hold office until their successors are elected or appointed, as may be provided in the by-laws of the Foundation and members of the Board of Directors shall serve without remuneration but may be reimbursed for their expenses properly incurred in carrying out their duties as members of the Board of Directors.

Idem

(2) The Board of Directors of the Foundation shall consist of one person who is appointed as a director of the Foundation by the Executive or Sub-Executive of the General Council of The United Church of Canada and eleven persons who are elected as directors by the members of the Foundation at a general meeting, provided that those persons who are so elected must be proposed from the members of the Foundation by the Congregational Board of the said Bridge Street United Church.

Management
of
Foundation

7.—(1) The Board of Directors has the control, management and government of the Foundation and has power to make by-laws, rules and regulations not contrary to law or to the provisions of this Act,

- (a) for the management of the Foundation;
- (b) for determining the number of members of the Board of Directors that shall constitute a quorum;
- (c) respecting the election or appointment of members of the Board of Directors;
- (d) regulating all matters pertaining to meetings of the Board of Directors;
- (e) for determining the number of members of the Foundation that shall constitute a quorum;
- (f) regulating all matters pertaining to meetings of the members of the Foundation; and
- (g) for all other matters relating to the Foundation.

Submission
of by-laws
for review

(2) All by-laws of the Foundation shall be submitted to the Executive or Sub-Executive of the General Council of The United Church of Canada for its review before being confirmed by the members of the Foundation, and the Execu-

tive or Sub-Executive shall make such submissions in relation to such review of the by-laws within thirty days after the submission of the by-laws.

(3) It is the intention of this section to make provision for the Executive or the Sub-Executive to make such representations to the Board of Directors as it considers necessary to ensure that the by-laws are in keeping with the spirit and purposes of the Foundation as set out in section 2, but it is not the intention of the review to be a judicial review, giving the Executive or the Sub-Executive of the Church the power to enforce its views.

8.—(1) The Board of Directors shall elect from among their number a President, one or more Vice-Presidents, a Secretary and a Treasurer (provided that one person may hold the office of Secretary and Treasurer, and if this is the case he shall be called the Secretary-Treasurer) and may, from time to time, appoint such other officers as are considered desirable.

(2) The officers elected or appointed under subsection 1 shall perform such duties as may be required of them, from time to time, by the Board of Directors.

9. A member shall not, as such, be held answerable or responsible for any act, default, obligation or liability of the Foundation or for any engagement, claim, payment, loss, injury, transaction, matter or thing related to or connected with the Foundation.

10. All property vested in the Foundation shall, as far as application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

11. Upon dissolution or winding up of the Foundation all of its property, both real and personal, shall vest in the trustees of Bridge Street United Church, Belleville, Ontario, provided that if the said Bridge Street United Church shall not exist as an organized body, all of the said property shall vest in The United Church of Canada subject to such trusts and for such purposes as the Conference within the bounds of which the said Bridge Street United Church was formerly located may determine under the by-laws, rules and regulations of the General Council of The United Church of Canada.

12. In the event that the congregation of Bridge Street United Church merges with another church congregation in a

manner required by the rules and regulations of The United Church of Canada, the members of the uniting congregations shall become members of the Foundation.

Interpre-
tation

13. Wherever in this Act reference is made to The United Church of Canada, such reference shall be deemed to extend to The United Church of Canada and its successors.

Commence-
ment

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The Bridge Street United Church Foundation Act, 1973*.

CHAPTER 183

An Act respecting the County of Bruce

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the County of Bruce Preamble hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “council” means the council of the County;
- (b) “County” means The Corporation of the County of Bruce;
- (c) “local municipality” means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) “vote” or “votes” means the vote or votes of a member of the council.

2.—(1) Notwithstanding subsections 1 and 2 of section 27 of *The Municipal Act*, membership on the council and the votes of such members shall be as follows:

County
council:
composition
of and
votes on
R.S.O. 1970,
c. 284

- 1. Subject to the provisions contained in paragraph 2, the council shall be composed of the reeves only of the local municipalities comprising the County.
- 2. In the event that a reeve is, for any reason, unable to attend one or more sessions of the council, the deputy-reeve, or, if there be no deputy-reeve, such other member of the council of the local municipality represented by such reeve as the local council may by resolution appoint, shall be entitled to sit on the council and exercise the voting rights of the absent reeve, as a member of council but not as a member of any standing or special committee thereof, and

any such resolution shall be filed with the clerk of the council before the first meeting in each year of the council.

3. Except as provided in paragraph 4, each member of the council shall have as many votes as the reeve and deputy-reeve, if any, would both have had, pursuant to the provisions of section 27 of *The Municipal Act*, had this Act not been enacted.
4. Each member shall have one vote only in each division for the election of warden, and one vote only in each division for the election of each member of the county road committee.

R.S.O. 1970,
c. 284

Application

(2) Subsection 1 applies with respect to the composition of and votes on the council for the year 1973 from and after the date this Act comes into force and subsequent years.

Application
of R.S.O. 1970,
c. 284, s. 202

3. Section 202 of *The Municipal Act* applies *mutatis mutandis*.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The County of Bruce Act, 1973*.

CHAPTER 184

**An Act respecting
Compañia Shell de Venezuela Limited**

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Compañia Shell de Venezuela Limited, here- Preamble
inafter called the Corporation, hereby represents that it is a corporation continued by letters patent of amalgamation dated August 1, 1953, issued under the provisions of *The Companies Act*, being chapter 59 of the Revised Statutes of Ontario, 1950; that supplementary letters patent were issued to the Corporation on the 26th day of November, 1956, the 28th day of November, 1957, and the 17th day of November, 1958, under the provisions of *The Corporations Act, 1953*, being chapter 19; that further supplementary letters patent were issued to the Corporation on the 2nd day of August, 1961, and the 17th day of November, 1964, under the provisions of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960; that a certificate of amendment of articles, effective on the 12th day of July, 1971, was issued to the Corporation under the provisions of *The Business Corporations Act*; that the Corporation is not a resident of and does not carry on any business in Canada; that all the outstanding shares of the Corporation are beneficially owned by Shell Petroleum N.V., a Netherlands corporation; and whereas the Corporation desires to be continued under the jurisdiction of the Netherlands; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

R.S.O.
1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The shareholders of the Corporation may authorize an application for a decree by the proper officer of the Netherlands, under applicable legislation of the Netherlands, continuing without interruption the Corporation with its identity as a body corporate under the laws of that country and with its assets and liabilities unimpaired. Application
to the
Netherlands
authorized

(2) Such authorization shall be by resolution of the shareholders of the Corporation consented to by the signatures of Resolution

all the shareholders entitled to vote at a meeting of shareholders, or passed at a general meeting of the shareholders duly called for the purpose in accordance with the by-laws of the Corporation by the unanimous vote of shareholders present in person or represented by proxy holding all the issued and outstanding shares in the capital stock of the Corporation.

Application
of R.S.O.
1970, c. 53

2. On and after the effective date specified in the said decree, if such effective date is not later than the 31st day of December, 1974, *The Business Corporations Act* of Ontario and any successor thereof shall not apply to the Corporation and the continuation without interruption of the Corporation with its identity as a body corporate under the laws of the Netherlands and with its assets and liabilities unimpaired is recognized.

Certificate

3. The Minister of Consumer and Commercial Relations may, upon receipt by him of a copy of the said decree of the Netherlands, together with a translation thereof certified by a member of the consular or diplomatic staff of Canada in the Netherlands, issue a certificate to the Corporation confirming the date on which the provisions of section 2 take effect.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Compañia Shell de Venezuela Limited Act, 1973*.

CHAPTER 185

**An Act respecting
Constitution Insurance Company of Canada**

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Constitution Insurance Company of Canada, ^{Preamble}
hereinafter called the Company, hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent bearing date of June 27, 1962; and whereas the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to authorization by special resolution under *The Corporations Act*, the Company may apply to the Minister of Consumer and Corporate Affairs of Canada for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing, *inter alia*, that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation. ^{Application to Minister of Consumer and Corporate Affairs authorized}

2. Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of such letters patent together with a copy of such letters patent certified by the Department of Consumer and Corporate Affairs and on and after the date of the filing of such notice, *The Corporations Act* and any successor thereto ceases to apply to the Company. ^{Application of R.S.O. 1970, c. 89}

3. The Minister of Consumer and Commercial Relations ^{Certificate} may, on receipt by him of the certified copy of the letters patent referred to in section 1, issue a certificate to the Company confirming the date of such filing.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Constitution Insurance Company of Canada Act, 1973*.

CHAPTER 186

**An Act respecting
The East York Foundation**

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The East York Foundation, herein called the Founda-^{Preamble}
tion, hereby represents that it is desirable and in the public
interest to amend *The East York Foundation Act, 1965* as hereinafter
set out; and whereas the Foundation hereby applies for special
legislation for such purpose; and whereas it is expedient to grant
the application;

Therefore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 3 of *The East York Foundation Act, 1965*, being ^{s. 3,}
chapter 149, is amended by adding thereto the following ^{amended}
subsections:

(4a) Notwithstanding subsections 3 and 4, commencing on ^{Composition}
the 1st day of January, 1974, the Board shall be composed ^{from}
of ten members, all of whom shall be residents of the area ^{Jan. 1, 1974}
then known as the Borough of East York, appointed by the
nominating committee.

(4b) Of the three additional members of the Board appointed ^{Term of}
for terms commencing on the 1st day of January, 1974, one ^{office}
shall serve for one year, one shall serve for two years and one
shall serve for three years.

- (2) Subsection 5 of the said section 3 is amended by striking ^{s. 3 (5),}
out “subsection 4” in the second line and inserting in ^{amended}
lieu thereof “subsections 4 and 4b”, so that the subsection
shall read as follows:

(5) Members of the Board shall serve without remuneration ^{Remunera-}
and, subject to subsections 4 and 4b, shall be appointed for ^{tion and term}
a term of three years. ^{of office}

2. Paragraphs 1 and 2 of subsection 1 of section 4 of the said Act ^{s. 4 (1),}
are repealed and the following substituted therefor: ^{pars. 1, 2,}
^{re-enacted}

1. The head of the municipal council of the Borough of East York or its successor, or any other member of council nominated by such head in writing.

2. The principal of the educational institute now known as Leaside High School.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The East York Foundation Act, 1973*.

CHAPTER 187

An Act respecting the Town of Espanola

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the Town of Espanola,^{Preamble} herein called the Corporation, hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation is hereby authorized to^{By-law authorized} pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not exceeding \$150,000 upon debentures of the Corporation, payable in not more than fifteen years, for the purpose of paying the cost of an addition to the Espanola Memorial Community Centre.

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1^{Application of R.S.O. 1970, c. 323, ss. 55-58} and the debentures to be issued thereunder.

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64^{Order of O.M.B. deemed issued} of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1 and authorizing the Corporation to issue debentures under section 1.

4. This Act comes into force on the day it receives Royal^{Commencement} Assent.

5. This Act may be cited as *The Town of Espanola Act*,^{Short title} 1973.

CHAPTER 188

An Act respecting the Village of Glencoe

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the Village of Glencoe ^{Preamble}
hereby applies for special legislation in respect of the
matter hereinafter set forth; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of The Corporation of the Village of Glencoe ^{By-law authorized}
is hereby authorized to pass a by-law, without obtaining the
approval of the Ontario Municipal Board, authorizing the
said Corporation to borrow a sum not exceeding \$275,000
and to issue debentures therefor payable in not more than
twenty years, for the purpose of paying the cost of an arena
built by the said Corporation.

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal* ^{Application}
Board Act apply in respect of any by-law passed under sec- ^{of R.S.O. 1970,}
tion 1, and to any debentures issued thereunder. ^{c. 323, ss. 55-58}

3. For the purposes of every Act, the Ontario Municipal ^{Order of}
Board shall be deemed to have issued an order under section 64 ^{O.M.B.}
of *The Ontario Municipal Board Act* authorizing the construc- ^{deemed}
tion of the arena referred to in section 1 and authorizing ^{issued}
The Corporation of the Village of Glencoe to issue debentures
under section 1.

4. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

5. This Act may be cited as *The Village of Glencoe Act, 1973*. ^{Short title}

CHAPTER 189

**An Act respecting
the Township of Gloucester**

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the Township of Gloucester, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) By-laws may be passed by the council of the Corporation for prohibiting, requiring or regulating the provision, establishment, construction, preservation and maintenance of the following facilities within the Township of Gloucester, or within any defined area or areas thereof, as a condition precedent to the development or redevelopment of any land, and for regulating and controlling such facilities: Power to pass
by-laws

1. Access ramps between private land and the travelled portion of a public street, lane or highway, the location thereof and the direction of traffic thereon.
2. The grading of private lands and the disposal of storm and waste water therefrom.
3. Floodlighting of any building or structure.
4. Garbage vaults and central garbage storage and collection areas.
5. Surfacing of parking areas.
6. Walls, fences, hedges and planting of trees or shrubs, to provide a buffer zone between land use zones.

(2) A by-law passed under subsection 1 may,

Provisions
of by-law

- (a) provide that, without cost, easements necessary for public utilities serving the proposed development shall be conveyed to the Corporation;

- (b) prohibit the issuance of building permits until all requirements of the by-law have been met or an agreement as hereinafter provided has been executed and registered and, in the case of undeveloped commercial or multi-family blocks or the redevelopment thereof, until site plans have been submitted to and approved by the Corporation ;
- (c) provide that all works required by the by-law or of any nature incidental or necessary to the development shall be carried out by the owner of the lands being developed at his risk and expense and, where such works are on a road allowance, to the satisfaction of the Corporation ;
- (d) provide that the owner of the lands for which development or redevelopment is proposed shall pay to the Corporation development charges at the same rate as that required to be paid by the owner of lands within the Township of Gloucester, which are developed under the terms of a subdivision agreement for a registered plan of subdivision, as established from time to time by by-law of the Corporation ; and
- (e) provide that any loss, costs and damages, which the Corporation may suffer, be at or be put to for or by reason or on account of the construction, maintenance or existence of such works, shall constitute a lien and charge upon such lands and shall be collectable in the same manner as municipal taxes.

Park levy

2.—(1) By-laws may be passed by the council of the Corporation requiring, as a condition precedent to the issuance of a building permit for the development or redevelopment of any land within the Township of Gloucester or within any defined area thereof, by the erection thereon of multiple family residential units, that five acres of land per one thousand persons of population shall be conveyed to the Corporation for park purposes.

Method of calculation

(2) In calculating the population of the units referred to in subsection 1, each bachelor, one bedroom, and two bedroom apartment shall be deemed to accommodate two, two and three persons respectively, and each additional bedroom shall be deemed to accommodate one additional person.

Cash payment in lieu of conveyance

(3) The council of the Corporation may authorize, in lieu of the conveyance for park purposes required under subsection 1, the acceptance by the Corporation of money to the value of such land required to be conveyed, and subsection

11 of section 33 of *The Planning Act* applies *mutatis mutandis* to all moneys received under this subsection. R.S.O. 1970, c. 349

(4) Land conveyed or money paid in lieu thereof pursuant to section 33 of *The Planning Act* shall be deducted from the conveyance or payment required under subsections 1 and 3. Requirements deducted

3. By-laws may be passed by the council of the Corporation for requiring that any person who makes an application to council requesting the enactment of a by-law to amend its restricted area by-laws shall pay to the Corporation part or all of the expenses incurred by the Corporation in processing the application, preparing the proposed by-law and in the giving of notice of the enactment or proposed enactment of the amending by-law to the owners of lands affected or to be affected by the by-law as required by the Rules of Procedure of the Ontario Municipal Board, whether such notice is given by publication in a newspaper or by the mailing of notice and in the latter case, the cost of giving notice shall include the cost of preparation of the required mailing list and the said by-law may provide that the applicant shall provide security for the estimated expenses of the Corporation prior to the enactment of the by-law for which application has been made. Payment of by-law amendment expenses

4. The Corporation may enter into agreements providing for fulfillment by the owner of the lands of all or any of the conditions and requirements imposed by by-law enacted under the authority of this Act and such agreements, when registered on the title of the land, shall run with the land to the benefit of the Corporation. Agreements

5. Any person aggrieved by the provisions of a by-law or an amending by-law passed under the authority of section 1, 2 or 3 may, within thirty days after the passage of the by-law or amending by-law, or within such extended period of time as the Ontario Municipal Board may allow, appeal to the Ontario Municipal Board, and the Board shall hear the appeal and dismiss the same or direct that the by-law or amending by-law be amended in accordance with its order. Appeal to O.M.B.

6. Where an appeal has been made to the Ontario Municipal Board in respect of a by-law passed under section 1, 2 or 3, a copy of the decision of the Board with respect to the appeal shall be supplied by the Board to the person who appealed and to each person who appeared in person or by counsel at the hearing of the appeal and who filed with the Board or the secretary of the Board a written request for notice of the decision. Copy of decision

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Township of Gloucester Act*, 1973. Short title

CHAPTER 190

An Act respecting the City of Hamilton

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the City of Hamilton ^{Preamble} hereby represents that it did constitute the Harbour Committee as a committee of council on Tuesday, February 29th, 1972, to study Hamilton Harbour and make policy recommendations to be considered by the council of The Corporation of the City of Hamilton; and whereas the council of The Corporation of the City of Hamilton did appoint controller Herman Turkstra and aldermen Robert Morrow, Vincent Agro, Aldo Poloniato, James Custeau, Fred Lombardo, Robert Ford, James Kern and James MacDonald as members of the Harbour Committee; and whereas the Harbour Committee has been engaged in the study of the Hamilton Harbour with a view to making policy recommendations; and whereas in consequence of the Harbour Committee study of the Hamilton Harbour, certain allegations were placed before it with respect to The Corporation of the City of Hamilton's appointee to The Hamilton Harbour Commissioners, a corporation incorporated under Statutes of Canada, 2, Geo. V, Chap. 98, 1912, and a report presented to the council of The Corporation of the City of Hamilton on the 28th day of August, 1972; and whereas following consideration by the council of The Corporation of the City of Hamilton on the 28th day of August, 1972, of the report of the Harbour Committee, the council of The Corporation of the City of Hamilton requested its appointee, Kenneth R. Elliott, to resign from The Hamilton Harbour Commissioners; and whereas a writ of summons was issued in the Supreme Court on September 5, 1972, against certain members of the Harbour Committee set forth below, all of whom voted in favour of the resignation of Kenneth R. Elliott as aforesaid; and whereas it is considered desirable that the council of The Corporation of the City of Hamilton assume and pay all costs incurred by, and the amount of any judgment awarded against, the said members of the Harbour Committee as a result of the said writ; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is deemed expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

1. In this Act,

- (a) "council" means the council of The Corporation of the City of Hamilton;
- (b) "Harbour Committee" means members of the council who are members of the Harbour Committee;
- (c) "person" means a person who at the time the writ was issued was a member of the Harbour Committee;
- (d) "writ" means a writ of summons issued in the Supreme Court by or on behalf of Kenneth Ronald Elliott.

Payment of
judgment
and costs
authorized

2. The council is hereby authorized to assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of a writ issued against the following persons:

- 1. Herman Turkstra.
- 2. Robert Morrow.
- 3. Vincent J. Agro.
- 4. James C. Custeau.
- 5. James O. Kern.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Hamilton Act, 1973*.

CHAPTER 191

An Act respecting the City of Hamilton

Assented to May 18th, 1973
Session Prorogued March 5th, 1974

WHEREAS The Corporation of the City of Hamilton, ^{Preamble}
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1.—(1) In this section, “limited maintenance” includes ^{Interpre-}
 removal of debris, leaves, weeds, trees, snow and health ^{tation}
 hazards, but does not include repair under section 427 of
The Municipal Act. R.S.O. 1970,
c. 284

(2) Notwithstanding section 399 of *The Municipal Act* and ^{Limited}
 the expenditure of public money by the Corporation, no ^{maintenance}
 unassumed lane shall be deemed to be a common and public ^{of lanes}
 highway by reason only of the performance of limited main-
 tenance of the lane by the Corporation.

(3) No performance or omission of performance of limited ^{No liability}
 maintenance shall directly or indirectly impose on the Cor- ^{on}
 poration any duty or liability or financial obligation by reason ^{Corporation}
 thereof.

2. The Corporation may provide at its own expense for ^{Snow}
 the clearing away and removing of snow or ice from the side- ^{removal}
 walks on highways in front of, alongside or at the rear of ^{from}
 buildings occupied by any class or classes of persons. ^{sidewalks}

3. Subsection 1 of section 3 of *The City of Hamilton Act*, ^{s. 3 (1),}
 1960, being chapter 142, as re-enacted by the Statutes of ^{re-enacted}
 Ontario, 1966, chapter 171, section 1, is repealed and the
 following substituted therefor:

(1) The Commission shall be a body corporate and shall ^{Composition}
 consist of seven members, one of whom shall be ^{of}
 the Mayor of the City of Hamilton, or his appointee ^{Commission}

who shall be a member of the Council, and six of whom shall be residents of the City of Hamilton or of municipalities adjacent thereto and who shall be appointed by the Council on the nomination of the board of control, and the six members so appointed shall hold office for three years concurrently and until their successors are appointed.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1973* (No. 2).

CHAPTER 192

An Act respecting the County of Hastings

*Assented to October 11th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the County of Hastings Preamble hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "council" means the council of the County;
- (b) "County" means The Corporation of the County of Hastings;
- (c) "local municipality" means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) "municipal electors" means the persons entitled to vote at a municipal election;
- (e) "vote" or "votes" means the vote or votes of a member of the council.

2.—(1) Notwithstanding subsections 1 and 2 of section 27 of *The Municipal Act*, membership on the council and the votes of such members shall be as follows:

County
council:
composition
of and
votes on
R.S.O. 1970,
c. 284

- 1. Where a local municipality has less than 2,500 municipal electors, the reeve only shall be a member of council and shall have one vote.
- 2. Where a local municipality has not less than 2,500 and not more than 5,000 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have one vote.

3. Where a local municipality has more than 5,000 but not more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have two votes.

Application (2) Subsection 1 applies with respect to the composition of and votes on the council for the year 1975 and subsequent years.

Application of R.S.O. 1970, c. 284 3. Subsection 2 of section 34 and section 202 of *The Municipal Act* apply *mutatis mutandis*.

Commence-ment 4. This Act comes into force on the day it receives Royal Assent.

Short title 5. This Act may be cited as *The County of Hastings Act, 1973*.

CHAPTER 193

An Act respecting Hobin Homes, Limited

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Clemence T. Hobin hereby represents that Preamble
Hobin Homes, Limited was incorporated by letters patent dated the 17th day of September, 1954; that the Provincial Secretary by order dated the 19th day of February, 1969, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the corporation and declared it to be dissolved on the 26th day of March, 1969; that notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act* was sent to each of the persons of record on the files of the Department of Financial and Commercial Affairs of whom one, Clemence T. Hobin, a director and shareholder of the corporation, is the applicant herein; although the said notice of default was sent to each of the directors of the corporation it was not or apparently was not received by all of them, and in any event, that through inadvertence the necessary annual returns for the corporation were not filed, and the funds for renewal of the charter and the required documentation in connection with the revival of the corporation were apparently not received within the time provided by statute; that the corporation at the time of its dissolution was and is now actively carrying on the business authorized by its letters patent; and whereas the applicant hereby applies for special legislation reviving the corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Hobin Homes, Limited, incorporated by letters patent dated the 17th day of September, 1954, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, Hobin
Homes,
Limited
revived

rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Hobin Homes, Limited Act, 1973*.

CHAPTER 194

An Act respecting the City of London

Assented to May 18th, 1973
Session Prorogued March 5th, 1974

WHEREAS The Corporation of the City of London, herein called ^{Preamble} the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Notwithstanding section 28 of *The Municipal Act*, the ^{Deputy Mayor} council of the City of London may by by-law establish the ^{R.S.O. 1970, c. 284} permanent office of deputy mayor, the holder of which shall be a member of council, and any such by-law shall provide for the manner of his appointment.
- (2) When the head of the council is absent from the munici- ^{Powers} pality or absent through illness or his office is vacant, the deputy mayor shall act in his place and, while so acting, shall have and may exercise all the rights, powers and authority of the head of the council as set out in section 210 of *The Municipal Act*.
- (3) The deputy mayor may be paid such annual or other ^{Remuneration} remuneration as the council may determine.
- 2.—(1) Subsection 3 of section 2 of *The City of London Act, 1951*, ^{s. 2 (3), re-enacted} being chapter 107, is repealed and the following substituted therefor:

(3) Appointments of commissioners shall be made effective ^{term of office} on the 1st day of January in each year, and the persons holding office on the day this subsection comes into force shall hold office in the following manner: one commissioner designated by Council shall hold office until the 31st day of December, 1974, and two commissioners designated by Council shall hold office until the 31st day of December 1973; and, commencing with the appointments effective on the 1st day of January, 1974, and on the 1st day of January, 1975, one commissioner shall be appointed in each of such years and in

each year thereafter for a term of two years, and the third commissioner shall be appointed effective on the 1st day of January, 1974, for a term of one or two years as designated by Council and on the expiration of his designated term, his appointment thereafter, if a member of Council, shall be for a one or two-year term as Council may deem expedient, and if not a member of Council, the term shall be for a two-year period. A commissioner shall hold office until his successor is appointed, but whenever the office of commissioner becomes vacant during his term of office, the Council shall appoint, in the manner hereinbefore provided, some qualified person to hold office for the remainder of the term for which his immediate predecessor was appointed.

s. 2 (6a),
repealed

(2) Subsection 6a of the said section 2, as enacted by the Statutes of Ontario, 1972, chapter 181, section 1, is repealed.

Relief from
parking
requirements

3.—(1) The council of the Corporation may by by-law authorize agreements with owners or occupants of buildings or structures to be erected or used, providing for relief to the extent set out in the agreements from any provision in any other by-law of the Corporation requiring the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owners or occupants to the extent specified in the agreements from the necessity of providing or maintaining such facilities.

Agreements

(2) Every agreement referred to in subsection 1 is subject to the approval of the Ontario Municipal Board, given either before or after the execution thereof, and shall provide for the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the payment is computed.

Disposition
of moneys

R.S.O. 1970,
cc. 470, 284

(3) All moneys paid or to be paid pursuant to an agreement referred to in subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes, and in the same manner, as a reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act* and for such street purposes as the council may determine.

Audit
of
fund

(4) The city auditor in his annual report shall report on the activities and position of any special account established under this section.

Registration
of agreement
imposes
lien on
land

(5) Any such agreement containing a description of the lands affected sufficient for registration, may be registered

in the appropriate land registry office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien upon the lands described therein, and may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement, or upon termination of the agreement, there shall be registered in the appropriate land registry office against such lands, a certificate of the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

4. This Act comes into force on the day it receives Royal Assent. R.S.O. 1970, c. 284 Commence-
ment

5. This Act may be cited as *The City of London Act, 1973*. Short title

CHAPTER 195

An Act respecting the City of London

Assented to May 18th, 1973
Session Prorogued March 5th, 1974

WHEREAS the Board of Hospital Trustees of the City Preamble
of London and The Corporation of the City of London
hereby represent that it is desirable to separate the affairs of
Victoria Hospital and War Memorial Children's Hospital,
London, from The Corporation of the City of London; and to
provide for the uninterrupted provision of health care ser-
vices to the public by vesting the assets, including the lands,
subject to the liabilities of the said hospitals, in a non-profit
non-share corporation known as Victoria Hospital Corpora-
tion; and whereas the applicants hereby apply for special
legislation for such purposes; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation

(a) "Board" means The Board of Hospital Trustees of
the City of London, established by an Act respecting
the General Hospital of the City of London, being
chapter 58 of the Statutes of Ontario, 1887;

(b) "Victoria Hospital" and "War Memorial Children's
Hospital" means Victoria Hospital, London, and
War Memorial Children's Hospital, London, in-
cluding laboratories, teaching facilities, residences
and other buildings ancillary thereto or used in con-
nection therewith;

(c) "Victoria Hospital Corporation" means Victoria
Hospital Corporation, a corporation without share
capital incorporated under Part III of *The Corpora-* R.S.O. 1970,
c. 89
tions Act by letters patent dated the 19th day of
January, 1973.

2.—(1) All assets of every nature and kind both real and Vesting and
transfer of
title
personal and tangible and intangible employed in respect of

the operation of Victoria Hospital and War Memorial Children's Hospital, including, but without limiting the generality thereof, the real property described in Schedule A hereto, together with all buildings, improvements, fixtures (together with any chattel which may be considered a fixture) and other appurtenances presently situate in or upon the lands described in the said Schedule A and in or upon the lands described in Schedule B hereto, but excluding the said lands described in the said Schedule B hereto, the lessee's interest in all leases, the benefit of all provincial grants and loans, and all furniture, equipment, supplies, accounts receivable, cash on hand, endowment funds, rights, privileges, benefits, trademarks, trade names, patient records and registers and medical records all of which have heretofore been or are now vested in The Corporation of the City of London or in the Board, shall on the 1st day of January, 1974, belong to and be vested in Victoria Hospital Corporation.

Idem

R.S.O. 1970,
cc. 409, 234,
45

(2) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting the title to property, it shall be sufficient to cite this Act as effecting the conveyance, transfer or transmission of title from The Corporation of the City of London and the Board to and the vesting in Victoria Hospital Corporation of real or personal property or of an interest in real or personal property.

Lease of
lands

(3) The Corporation of the City of London is hereby empowered to lease to Victoria Hospital Corporation the said lands described in Schedule B hereto upon such terms and subject to such conditions as The Corporation of the City of London and Victoria Hospital Corporation shall agree, subject to the approval thereof by the Minister of Health.

Liabilities of
Victoria
Hospital
Corporation

(4) Victoria Hospital Corporation shall,

- (a) assume and be liable for the payment of all liabilities existing on the 31st day of December, 1973, in respect of the general management, operation and maintenance of Victoria Hospital and War Memorial Children's Hospital, including construction loans repayable to the Province of Ontario; and
- (b) be bound by the terms of and succeed to the benefit of all contracts, agreements, leases and all other engagements existing on the 31st day of December, 1973, made by The Corporation of the City of London and by the Board in respect of the general management, operation and maintenance of Victoria Hospital and War Memorial Children's Hospital,

provided that notwithstanding the foregoing, The Corporation of the City of London shall retire the presently existing debenture debt created by By-Law No. D.194-461.

3. Subject to *The Public Hospitals Act* and any regulations made thereunder, the general management, operation, equipment and control of Victoria Hospital and War Memorial Children's Hospital shall, on the 1st day of January, 1974, belong to, be vested in and shall be exercised by, Victoria Hospital Corporation.

Management
and control
of hospitals
R.S.O. 1970,
c. 378

4.—(1) All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person, body politic or corporation by deed or will, to be made, given or conveyed, or intended to be made, given or conveyed to Victoria Hospital or War Memorial Children's Hospital shall, in so far as the same shall not have vested in possession or been carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made to Victoria Hospital Corporation and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will shall pay over or transfer all such property to Victoria Hospital Corporation as and when the same became or may become payable, and the receipt of Victoria Hospital Corporation shall be a sufficient discharge therefor.

Charitable
gifts

(2) The reference to the Chairman of the Board of Trustees of Victoria Hospital in the City of London in the last Will and Testament of Harry Meek, deceased, and in the last Will and Testament of Mary E. Meek, deceased, shall be deemed a reference to the Chairman of the governing board of Victoria Hospital Corporation.

Inter-
pretation

5. The powers and duties of the Board shall cease on the 31st day of December, 1973, and the terms of office of each member of the Board shall terminate on such date.

When powers
of Board
cease

6. On and after the 1st day of January, 1974, all claims against and demands arising from or relating to the management, operation or maintenance of Victoria Hospital or War Memorial Children's Hospital or from the exercise of any of the powers of the Board shall be continued against or made upon and brought against Victoria Hospital Corporation and not upon or against the Board or The Corporation of the City of London.

Claims

Repeals

7. The following are repealed:

1. *An Act respecting the General Hospital of the City of London*, being chapter 58 of the Statutes of Ontario, 1887.
2. Subsection 2 of section 4 of *The City of London Act, 1948*, being chapter 114.
3. Section 9 of *The City of London Act, 1960*, being chapter 153.
4. *The City of London Act, 1968-69*, being chapter 152.

Commence-
ment

8.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Section 7 comes into force on the 1st day of January, 1974.

Short title

9. This Act may be cited as *The City of London Act, 1973* (No. 2).

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of lands and premises situate, lying and being in the City of London, in the County of Middlesex and being composed of:

FIRSTLY: the East half in perpendicular width of Lot Number Four (4) on the South side of East Hill Street;

SECONDLY: part of the West half of Lot Number Eight (8) on the North side of Hill Street East, which part of said lot may be more particularly described as follows:

COMMENCING on the North side of Hill Street, at the Southwest corner of said lot;

THENCE Easterly along Hill Street, Sixty-Six feet (66');

THENCE Northerly parallel with the side lines of the Lot One Hundred and Sixty-Five feet (165') more or less to the rear of said lot;

THENCE Westerly along the rear of said lot Sixty-Six feet (66') to the North-west corner thereof;

THENCE Southerly along the Western boundary of the lot to the place of beginning.

THIRDLY: that part of Lot Number Eight (8) on the North side of East Hill Street described as follows:

COMMENCING at a point on the North side of East Hill Street distant Forty-Six feet (46') Westerly from the Southeast angle of said lot;

THENCE Westerly along the North side of Hill Street Twenty feet (20');

THENCE Northerly parallel with the side lines of said lot One Hundred and Sixty feet (160') more or less to the Northerly limit of said lot;

THENCE Easterly along the Northerly limit of the said lot Twenty feet (20');

THENCE southerly parallel with the side lines of said lot One Hundred and Sixty feet (160') more or less to the place of beginning.

TOGETHER WITH a right-of-way for all purposes over a strip of land consisting of the Westerly Seven and One-half feet ($7\frac{1}{2}'$) of the Easterly Twenty-Seven and one-half feet ($27\frac{1}{2}'$) of said lot extending from Hill Street to the Northern limit of said lot;

AND TOGETHER WITH a right-of-way for all purposes over a strip of land Ten feet (10') in width extending Westerly from said first mentioned right-of-way to the lands hereby conveyed and adjoining the Northern limit of said lot on the South side thereof, together with the appurtenances thereto.

FOURTHLY: part lot Seven (7) on the North side of East Hill Street in the said City of London and may be more particularly known and described as follows:

COMMENCING on the North side of Hill Street at the Southeast angle of the said Lot;

THENCE West along the North side of Hill Street Sixty-Two feet (62');

THENCE North on a line parallel to the Easterly boundary line of the lot to the rear of the said lot;

THENCE Easterly along the rear or Northerly boundary line of the said lot, Sixty-Two feet (62') to the North-east angle of the said lot;

THENCE South along the Eastern boundary line of the said lot to the place of beginning.

FIFTHLY: part of Lot Number Twenty-Seven (27) in the Plan and sub-division made by Samuel Peters, Provincial Land Surveyor, of Lot Number Eleven (11) on the South side of Hill Street East in the said City of London and other lands, which Plan is registered in the Registry Office of the said City of London as Number 172 and described as follows, that is to say:

COMMENCING at a point in the Easterly limit of Colborne Street distant Sixty-Eight feet (68') South from the North-West angle of said Lot Number Twenty-Seven (27);

THENCE Easterly parallel with East Hill Street Seventy feet (70') more or less to the Easterly limit of lands owned by one Morris Bardenstein, the said point being Fifty feet (50') West of the Easterly limit of said lot;

THENCE Northerly parallel with the Easterly limit of Colborne Street, Sixty-Eight feet (68') more or less to the South limit of East Hill Street;

THENCE Westerly along the Southerly limit of East Hill Street Seventy feet (70') more or less to the Easterly limit of Colborne Street, being the North-West angle of said Lot Number Twenty-Seven (27);

THENCE Southerly along the Easterly limit of Colborne Street Sixty-Eight feet (68') more or less to the place of beginning.

SIXTHLY: part of Lot Number Twenty-Seven (27) according to Registered Plan Number 172 which said part may be more particularly known and described as follows, that is to say:

COMMENCING at a point in the Easterly limit of Colborne Street distant Southerly Sixty-Eight feet (68') from the North-westerly angle of said Lot Number Twenty-Seven (27);

THENCE Southerly along the Easterly limit of Colborne Street Thirty-Two feet (32');

THENCE Easterly parallel to Hill Street, Seventy feet (70');

THENCE Northerly parallel to Colborne Street Thirty-Two feet (32');

THENCE Westerly parallel to Hill Street Seventy feet (70') more or less, to the place of beginning.

SEVENTHLY: the Southerly part of Lot Number Twenty-Six (26) on the South side of East Hill Street in the said City of London according to Registered Plan Number 172, and better known and described as follows, that is to say:

COMMENCING on the East side of Colborne Street at the distance of Thirty-Three feet (33') South from the North-west angle of the lot, and

THENCE South along the Easterly limit of Colborne Street Thirty-Three feet (33');

THENCE Easterly parallel with the Northerly limit of the lot to the Easterly limit of the said lot;

THENCE North along the Easterly limit of the lot Thirty-Three feet (33') to a point Thirty-Three feet (33') Southerly from the North-east angle thereof;

THENCE Westerly parallel to the Northerly limit of the said lot to the place of beginning.

SUBJECT TO AND TOGETHER WITH a right-of-way in, over, and upon a strip of land of the said last described premises which said strip of land may be better described as follows:

COMMENCING on the East side Colborne Street at the distance of Thirty-Three feet (33') South from the North-west angle of the lot;

THENCE North along the East side of Colborne Street Five feet (5');

THENCE East parallel with the Northerly limit of the lot Sixty-Two feet (62');

THENCE in a South-westerly direction One Hundred and Thirty degrees Twelve feet more or less to a point Thirty-Eight feet (38') distant from the Northerly limit of the lot;

THENCE West parallel to the Northerly limit Fifty-one feet Eight inches (51' 8") more or less to the place of beginning.

EIGHTHLY: the whole of Lot Thirty-Four (34) on the East side of Colborne Street, according to Registered Plan 172;

NINTHLY: the whole of Lot Number Thirty-five (35) on the East side of Colborne Street, according to Registered Plan Number 172.

TENTHLY: part of Lot Number Eleven (11) on the South side of East South Street, in the said City of London, which may be described as follows:

COMMENCING on the East side of Colborne Street in the Westerly limit of said Lot, at a point distant Thirty-Five feet (35') Northerly from the South-west angle of the said Lot;

THENCE Northerly along the said Westerly limit, Thirty-Two feet (32');

THENCE Easterly parallel to the Southerly limit of the said Lot, One Hundred feet (100');

THENCE Southerly parallel to Colborne Street, Thirty-Two feet (32');

THENCE Westerly parallel to the Southerly limit of the said lot, One Hundred feet (100') to the place of beginning.

ELEVENTHLY: the Southerly Thirty-Five feet (35') in frontage on Colborne Street, of Lot Number Eleven (11) on the South side of East South Street, in the said City of London and having a depth equal to the width of the lot.

TWELFTHLY: part of Lot Number Eleven (11) on the North side of East Nelson Street in the said City of London which said part may be better known and described as follows:

COMMENCING at a point on the East side of Colborne Street, One Hundred feet (100') North of the South-west angle of said Lot Number Eleven (11);

THENCE Northerly along the East side of Colborne Street, Thirty feet (30');

THENCE Easterly parallel with said East Nelson Street, one Hundred and Thirty-Two feet (132') more or less to the Easterly boundary of said Lot Number Eleven (11);

THENCE Southerly along the said Easterly boundary of said Lot Number Eleven (11) Thirty feet (30');

THENCE Westerly parallel with said East Nelson Street One Hundred and Thirty-Two feet (132'), more or less to the place of beginning.

THIRTEENTHLY: part of Lot Number Eleven (11), on the North side of East Nelson Street and more particularly described as follows:

COMMENCING at the South-west angle of said Lot Number Eleven (11);

THENCE Easterly along the Southerly boundary of the said lot, Eighty-Two feet (82') more or less to a point Fifty feet (50') West of the South-east angle of the said lot;

THENCE Northerly parallel to the Westerly limit of the said lot, Thirty-Three feet (33');

THENCE westerly parallel to the Southerly limit of the said lot, Eighty-Two feet (82') more or less to the Westerly limit of the said lot;

THENCE Southerly along the Westerly limit of the said lot, Thirty-Three feet (33') more or less to the place of beginning.

FOURTEENTHLY: part of Lot Eleven (11) on the South side of Nelson Street in the City of London, in the County of Middlesex,

COMMENCING at the Northwest angle of the lot;

THENCE Easterly along the Northerly limit thereof Thirteen feet (13');

THENCE Southerly in a line parallel with the Easterly limit of the said lot One Hundred and Sixty-Five feet (165');

THENCE Easterly in a line parallel with the Northerly limit of the said Lot Seventeen feet (17');

THENCE Southerly in a line parallel with the Easterly limit of the said Lot to the River Thames;

THENCE along the bank of the River with the stream to the Eastern limit of Colborne Street;

THENCE along the Eastern limit of Colborne Street Northerly to the place of beginning.

FIFTEENTHLY: part of Lot Number Twelve (12) on the South side of East Nelson Street described as follows:—

COMMENCING at a point on the Northern limit of said lot, distant One Hundred and Fifty feet (150') Easterly from the North-west angle of Lot Number Eleven (11) on the South side of East Nelson Street;

THENCE Easterly along the Northern limit of said Lot Number Twelve (12) Forty feet (40');

THENCE Southerly parallel with the Eastern limit of said Lot Number Twelve (12) to the Southern limit;

THENCE Westerly along the Southerly limit thereof Forty feet (40');

THENCE Northerly parallel with the Eastern boundary thereof to the place of beginning.

SIXTEENTHLY: that part of Lot Number Twelve (12) on the South side of East Nelson Street described as:

COMMENCING at a point on the Northern limit of said Lot Number Twelve (12) distant One Hundred and Ninety feet (190') from the North-west angle of Lot Number Eleven (11) on the South side of East Nelson Street;

THENCE Easterly along the North limit of Lot Number Twelve (12) Forty feet (40');

THENCE Southerly parallel to the East boundary of Lot Number Twelve (12) to the Southerly boundary thereof;

THENCE Westerly along the South boundary Forty feet (40');

AND THENCE Northerly parallel with the Easterly boundary to the place of beginning.

TOGETHER WITH a right-of-way in, over and upon the Northerly Twelve feet (12') of Lots Numbers Eleven (11) and Twelve (12) on the Northerly side of Trafalgar Street, extending from the River bank on the West across the said last mentioned lands a uniform width of Twelve feet (12').

SEVENTEENTHLY: part of Lot Twelve (12) on the South side of Nelson Street, more particularly described as follows:

COMMENCING on the Northerly limit of Lot Twelve (12), Two Hundred and Thirty feet (230') distant Easterly from the North-west angle of Lot Eleven (11), on the South side of Nelson Street;

THENCE East along the North boundary of Lot Twelve (12), to the East boundary Thirty-four feet (34') more or less;

THENCE South along the East boundary to the South boundary thereof;

THENCE West along the South boundary Thirty-four feet (34');

THENCE North parallel with the East boundary to the place of beginning.

TOGETHER WITH a right-of-way in, over and upon the North Twelve feet (12') of Lots Eleven (11) and Twelve (12) on the North side of Trafalgar Street, extending across the last mentioned lots the uniform width of Twelve feet (12') and the full right and liberty at all times in common with all other persons to a strip of land Twelve feet (12') in width running along the South boundary of Lot Eleven (11) on the South side of Nelson Street.

EIGHTEENTHLY: the whole of Lot 6 and parts of Lots 7 and 8 on the South side of East Hill Street, in the said City of London, and all of Lot 6 and parts of Lots 7 and 8 on the North side of East South Street, in the said City of London, more particularly described as follows:

PREMISING that all bearings herein are referred to the bearing North 20 degrees 45 minutes 00 seconds West of the Westerly limit of Colborne Street, as shown on Registered Plan Number 172;

COMMENCING at the South-westerly angle of said Lot Number 6 on the North side of East South Street;

THENCE North 20 degrees 44 minutes 20 seconds West, along the easterly limit of Waterloo Street, 330.14 feet more or less to the Southerly limit of East Hill Street;

THENCE North 68 degrees 52 minutes 40 seconds East, along the Southerly limit of East Hill Street, 190.93 feet more or less to the production Northerly of the Westerly face of the Westerly wall of present School of Nursing situate upon the lands immediately to the East of the lands herein described;

THENCE South 20 degrees 53 minutes 20 seconds East, along said production, along the Westerly face of said wall and along said Westerly face produced Southerly, 117.32 feet more or less to the Southwesterly corner of present concrete area-way on the South side of said School of Nursing;

THENCE North 69 degrees 06 minutes 40 seconds East, 77.20 feet more or less to the Westerly face of the Westerly wall of present Nurses' Residence situate upon the lands immediately to the east of the lands herein described;

THENCE South 20 degrees 52 minutes 10 seconds East, along said Westerly face of said Westerly wall of said Nurses' Residence, 36.80 feet more or less to a jog to the West in said wall;

THENCE South 69 degrees 07 minutes 50 seconds West, along the Northerly face of said jog, 0.72 feet more or less to the Westerly face of the Westerly wall of said Nurses' Residence;

THENCE South 20 degrees 52 minutes 10 seconds East, along the Westerly face of said wall, 20.17 feet more or less to a jog to the East in said wall;

THENCE North 69 degrees 07 minutes 50 seconds East, along the Southerly face of said jog, 0.72 feet more or less to the Westerly face of the Westerly wall of said Nurses' Residence;

THENCE South 20 degrees 52 minutes 10 seconds East, along the Westerly face of said wall, 129.35 feet more or less to a jog to the West in said wall;

THENCE South 68 degrees 41 minutes 30 seconds West, along the northerly face of said jog, 9.27 feet more or less to the Westerly face of the Westerly wall of said Nurses' Residence;

THENCE South 21 degrees 18 minutes 30 seconds East, along the Westerly face of said Westerly wall and along its production Southerly, 26.03 feet more or less to the Northerly limit of East South Street;

THENCE South 68 degrees 58 minutes 40 seconds West, along the Northerly limit of East South Street, 259.74 inches more or less to the place of beginning.

NINETEENTHLY: Lots Numbers Five, Six, Seven, Eight, Nine and Ten (5, 6, 7, 8, 9 and 10) on the South side of Ardaven Place in the said City of London according to Plan Number 445 for the Fourth Division and that part of Lot Number Seven (7) on the East side of Wortley Road more particularly described as follows:

COMMENCING on the East limit of Ridout Street South at the dividing line between Lots Numbers Seven and Eight (7 and 8) on the East side of Wortley Road;

THENCE Southerly along the East side of Ridout Street One Hundred and Seventy-five feet (175');;

THENCE Easterly parallel with Grand Avenue One Hundred and Fifty feet (150');;

THENCE Southerly parallel with Ridout Street South One Hundred and Twenty feet (120');;

THENCE Easterly parallel with Grand Avenue Four Hundred and Twelve point Eighty-seven feet (412.87') more or less to a point distant Westerly One Hundred and Fifty point Thirty-eight feet (150.38') from the Northwest angle of Lot Number Thirteen (13) according to Registered Plan Number 475 being also the Northwest angle of Registered Plan Number 475;

THENCE Northerly in a straight line Two Hundred and Eighty-five point Forty-eight feet (285.48') more or less to the Southwest angle of Lot Number Ten (10) according to Registered Plan Number 451 which angle is a point in the limit between Lots Numbers Seven and Eight (7 and 8) on the East side of Wortley Road;

THENCE Westerly along the limit between Lots Numbers Seven and Eight (7 and 8) on the East side of Wortley Road Five Hundred and Forty-nine point Ninety-four feet (549.94') more or less to the place of beginning.

SCHEDULE B

ALL AND SINGULAR those certain parcels or tracts of lands and premises situate, lying and being in the City of London, in the County of Middlesex and being composed of:

FIRSTLY: part of Lot Number Two (2) on the North side of East Nelson Street in the said City of London, which part of said Lot Number Two (2) may be more particularly described as follows:

COMMENCING at a point on the North side of East Nelson Street being the South west angle of the said Lot:

THENCE Northerly along the Westerly limit thereof One Hundred and Forty-Five feet (145') to a point distant Twenty feet (20') Southerly from the North west angle of the said lot;

THENCE Easterly and parallel with the Northerly limit Thirty-five feet (35'):

THENCE Southerly and parallel with the said Westerly limit One hundred and forty feet (140') to the Southerly limit of East Nelson Street, and

THENCE Westerly along the said Southerly limit Thirty-five feet (35') to the place of beginning.

SECONDLY: the Easterly Ninety feet (90') in perpendicular width of Lot Number three (3) on the south side of East South Street;

THIRDLY: the whole of Lot Number four (4) on the south side of East South Street;

FOURTHLY: the northerly One hundred and Thirty-five feet (135') of the westerly Thirty feet (30') of Lot 5 on the south side of East South Street in the said City of London;

FIFTHLY: part of Lot Number Five (5) on the South side of East South Street, which parcel may be more particularly described as follows:

COMMENCING at the North-east angle of said Lot Number five (5);

THENCE Westerly along the Northerly limit of said Lot Seventy-five feet (75');

THENCE Southerly parallel to the Easterly limit of said Lot One Hundred and Thirty-five feet (135');

THENCE Easterly parallel to the Northerly limit of said Lot Seventy-five feet (75') to the Easterly limit thereof;

THENCE Northerly along the Easterly limit of said Lot Number five (5), One hundred and Thirty-five feet (135') to the place of beginning;

SIXTHLY: the Easterly Eighty feet (80') in perpendicular width of Lot three (3) on the North side of East Nelson Street;

SEVENTHLY: of the Southerly Sixty-five feet (65') in perpendicular width of Lot Number four and five (4 and 5) on the North side of East Nelson Street, save and except parts thereof acquired for road widening purposes;

EIGHTHLY: part of the East half of Waterloo Street lying South of South Street in the said City of London, which may be more particularly described as follows:

COMMENCING at the intersection of the Southerly limit of South Street and the original Easterly limit of Waterloo Street, being also the North-west angle of Lot One (1), Registered Plan 189;

THENCE Southerly along the original Easterly limit of Waterloo Street, being also the Westerly limit of said Lot One (1) according to Registered Plan 189, Ninety-Eight feet (98');

THENCE Westerly parallel to the Southerly limit of South Street, Fifty-Seven feet (57');

THENCE North-westerly in a straight line, Thirty-Four feet (34') more or less, to a point in the original centre line of Waterloo Street distant Sixty-Four feet (64') Southerly along the said centre line from its intersection with the said Southerly limit of South Street produced Westerly in a straight line;

THENCE Northerly along the said centre line of Waterloo Street, Sixty-Four feet (64') to the Southerly limit of South Street produced Westerly in a straight line;

AND THENCE Easterly along the Southerly limit of South Street produced Westerly to the place of beginning.

NINTHLY: the whole of Lot Numbers One, Two, Three, Four, Five, Six, Seven and Eight (1, 2, 3, 4, 5, 6, 7 and 8), according to Registered Plan 189.

TENTHLY: the whole of Lot Numbers Seven, Eight, Nine and Ten (7, 8, 9 and 10) on the North side of Nelson Street, the whole of Lot Numbers Seven, Eight, Nine and Ten (7, 8, 9 and 10) on the South side of South Street East, the whole of that part of Nelson Street which lies between the Westerly limit of Colborne Street and the centre of Waterloo Street closed and stopped up by By-Law Number 3411 and all those certain lands lying South of the Southerly limit of that part of Nelson Street closed up as aforesaid and the North bank of the South Branch of the River Thames.

ELEVENTHLY: The whole of Lot Numbers 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 according to Registered Plan No. 215.

TWELFTHLY: those parts of Lots Numbers 11 and 12 on the South side of Nelson Street more particularly described as follows:

COMMENCING on the South side of Nelson Street at a point distant 150 feet measured easterly from the North west angle of Lot Number 11;

THENCE Southerly parallel to the side lines of the said Lots, 165 feet to the point of commencement;

THENCE continuing Southerly in a straight line to the southerly limit of said Lot Number 12;

THENCE Westerly along the southerly limit of said Lot Number 12 and along the Southerly limit of Lot Number 11 to the intersection thereof with the North bank of the South branch of the River Thames;

THENCE continuing Westerly along the said North bank to the intersection thereof with a line drawn parallel to the easterly limit of Colborne Street and distant 30 feet measured easterly along a line drawn parallel to the northerly limit of the said Lot 11 therefrom;

THENCE Northerly along the said last mentioned parallel line to a point distant 165 feet Southerly therealong from the Northerly limit of the said Lot;

THENCE Easterly in a straight line parallel to the Northerly limits of said Lots 11 and 12 to the point of commencement.

THIRTEENTHLY: The whole of the lands bounded on the East by the Westerly limits of Lots 11 and 18 according to Registered Plan Number 215, bounded on the North by the Southerly limits of Lots 11 and 12 on the South side of Nelson Street and bounded on the West and on the South by the North bank of the South branch of the River Thames;

FOURTEENTHLY: The whole of Lots Numbers 21, 22, 23, 24, 25, 36, 37, 38, 39 and 40 according to Registered Plan Number 172 and parts of Lots 7 and 8 on the South side of East Hill Street, in the said City of London, and parts of Lots 7 and 8 on the North side of East South Street, in the said City of London, more particularly described as follows:

PREMISING that all bearings herein are referred to the bearing North 20 degrees 45 minutes 00 seconds West of the Westerly limit of Colborne Street, as shown on said Registered Plan Number 172;

COMMENCING at the South-easterly angle of said Lot 36, being the intersection of the northerly limit of East South Street with the Westerly limit of Colborne Street;

THENCE North 20 degrees 45 minutes 00 seconds West, along the Westerly limit of Colborne Street, 331.32 feet more or less to the Southerly limit of East Hill Street;

THENCE South 68 degrees 52 minutes 40 seconds West, along the southerly limit of East Hill Street, 474.54 feet more or less to the production Northerly of the Westerly face of the Westerly wall of present School of Nursing situate upon the lands herein described;

THENCE South 20 degrees 53 minutes 20 seconds East, along said production, along the Westerly face of said wall and along said Westerly face of said wall produced southerly, 117.32 feet more or less to the south-westerly corner of present concrete area-way on the south side of said School of Nursing;

THENCE North 69 degrees 06 minutes 40 seconds East, 77.20 feet more or less to the Westerly face of the Westerly wall of present Nurses' Residence situate upon the lands herein described;

THENCE South 20 degrees 52 minutes 10 seconds East, along said Westerly face of said Westerly wall of Nurses' Residence, 36.80 feet more or less to a jog to the West in said wall;

THENCE South 69 degrees 07 minutes 50 seconds West, along the Northerly face of said jog, 0.72 feet more or less to the Westerly face of the Westerly wall of said Nurses' Residence;

THENCE South 20 degrees 52 minutes 10 seconds East, along the Westerly face of said wall, 20.77 feet more or less to a jog to the east in said wall;

THENCE North 69 degrees 07 minutes 50 seconds East, along the southerly face of said jog, 0.72 feet more or less to the Westerly face of the Westerly wall of said Nurses' Residence;

THENCE South 20 degrees 52 minutes 10 seconds East, along said Westerly face of said wall, 129.35 feet more or less to a jog to the West in said wall;

THENCE South 68 degrees 41 minutes 30 seconds West, along the northerly face of said jog, 9.27 feet more or less to the Westerly face of the Westerly wall of said Nurses' Residence;

THENCE South 21 degrees 18 minutes 30 seconds East, along the Westerly face of said Westerly wall and along its production Southerly, 26.03 feet more or less to the Northerly limit of East South Street;

THENCE North 68 degrees 58 minutes 40 seconds East, along the Northerly limit of East South Street, 405.78 feet more or less to the place of beginning.

Provided the aforesaid lands shall not be deemed to include any lands lying South of the South limit of Nelson Street and the lands lying South of the South limit of Nelson Street now closed and lying between Waterloo and Colborne Street which lie within the area defined by the Upper Thames River Conservation Authority as "flood plain".

CHAPTER 196

**An Act respecting
The Board of Education for the City of London**

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Board of Education for the City of ^{Preamble} London hereby represents that by petition dated the 2nd day of December, 1963, the Board applied for special legislation vesting certain lands and premises in the name of The Board of Education for the City of London in fee simple, free from all trusts, conditions and limitations, which said lands were registered in the name of certain township school boards; and whereas the Legislature enacted *The London Board of Education Act, 1964*, vesting certain lands in the name of The Board of Education for the City of London as prayed for in the said petition; and whereas it now appears that the legal descriptions of certain lands and premises were omitted from the Schedule to the said *The London Board of Education Act, 1964*, it being the intent of the Board at the time of the passing of the said Act that the said lands and premises be included in the Schedule to the said Act; and whereas The Board of Education for the City of London hereby applies for special legislation amending *The London Board of Education Act, 1964*; and whereas The Board of Education for the City of London has been authorized and directed to administer pursuant to the Annexation Order of the Ontario Municipal Board P.F.M. 7054-58 being dated the 3rd day of October, 1960, lands and premises formerly under the jurisdiction of public school boards in the Township of Westminster and the Township of London, in the County of Middlesex, titles to which lands and premises are presently registered in the respective public school boards and which lands and premises are now wholly within the limits of The Corporation of the City of London; and whereas it is expedient that the said lands and premises be vested in fee simple in the Board free from all trusts, conditions and limitations as may be declared in any of the respective deeds referred to herein; and whereas the applicant hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lands vested
in Board

1. The lands and premises described in Schedule A hereto are declared to be and to have been at all times since the 3rd day of October, 1960, vested in The Board of Education for the City of London in fee simple, clear and free from all rights, trusts, titles, interests, limitations, restrictions or covenants, other than those running and accruing to the benefit of The Board of Education for the City of London.

Idem

2. The lands and premises described in Schedule B hereto are declared to be and to have been at all times since the 3rd day of October, 1960, vested in The Board of Education for the City of London in fee simple, clear and free from all rights, trusts, titles, interests, limitations, restrictions or covenants, but subject to any right of reverter, covenant, contingent, executory or future interest, by operation of law running and accruing to the benefit of The Corporation of the City of London.

Registration

3. The Secretary of The Board of Education for the City of London shall register a copy of this Act within sixty days after it comes into force in the land registry office for the Registry Division of Middlesex East (33).

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The London Board of Education Act, 1973*.

SCHEDULE A

BRICK STREET PUBLIC SCHOOL,
393 Commissioners Road, West,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster,) in the County of Middlesex, and being composed of part of the East half of Lot Number Thirty-five (35) in the First Concession of the said Township, more particularly described as follows:

Firstly:

COMMENCING at the intersection on the Southerly limit of the Base Line Road allowance across said Lot Number Thirty-five (35) with the Easterly limit of Topping Street as shown on Registered Plan Number 727 of the Township of Westminster; THENCE Southerly along the Easterly limit of said Topping Street, a distance of One Hundred and Fifty feet (150'); THENCE Easterly on a bearing North Eighty-three degrees Twenty-eight Minutes East ($N 83^{\circ} 28' E$) and parallel to the said Base Line Road a distance of Three hundred and sixty-eight and One-tenths feet (368.1') to the point of commencement; THENCE Southerly Eighty-three degrees Twenty-eight minutes West ($S 83^{\circ} 28' W$) a distance of Three hundred and Sixty-eight and One-tenths feet (368.1') to its intersection with the Easterly limit of said Topping Street; THENCE Southerly on a bearing of South Ten degrees Four minutes East ($S 10^{\circ} 04' E$) along the Easterly limit of said Topping Street a distance of Four hundred and Seventy-six and Nine-tenths feet (476.9') to a point in the Northerly limit of Brick Street or the Commissioners Road crossing said Lot Number Thirty-five (35); THENCE on a bearing of North Eighty degrees Zero Minutes East ($N 80^{\circ} 00' E$) a distance of One Hundred and Twenty-six and Nine-tenths feet (126.9') along the Northerly limit of Brick Street to a point; THENCE North Eight degrees Two minutes West ($N 8^{\circ} 2' W$) a distance of Thirty-two feet (32') to a point; THENCE Northerly Eight degrees Zero minutes East ($N 80^{\circ} 00' E$) and parallel to the said Commissioners Road a distance of Twenty-five feet (25') to a point; THENCE North Eight degrees Two minutes West ($N 8^{\circ} 2' W$) a distance of Eighty-five and Nine-tenths feet (85.9') to a point; THENCE North Eighty-three degrees Twenty-eight minutes East ($N 83^{\circ} 28' E$) and parallel to the said Base Line Road a distance of Two hundred and Eleven and Seven-Tenths feet (211.7') more or less, to its intersection with a straight line drawn Southerly and parallel to the Easterly limit of Topping Street from the point of commencement; THENCE North Ten degrees Four minutes West ($N 10^{\circ} 4' W$) and parallel with the easterly limit of Topping Street a distance of Three hundred and Forty-nine and Eight-tenths feet (349.8') to the place of beginning.

Secondly:

COMMENCING in the Northerly limit of the Commissioners Road or Brick Street, at a point therein distant One hundred and Twenty-six and Nine-tenths feet (126.9') East of the East limit of Topping Street; THENCE North Eight degrees Two minutes West ($N 8^{\circ} 2' W$) a distance of Thirty-two feet (32'); THENCE North Eighty degrees zero minutes East ($80^{\circ} 00' E$) and parallel to the Commissioners Road or Brick Street, Twenty-five feet (25'); THENCE North Eight degrees Two minutes West ($8^{\circ} 2' W$) and parallel to Topping Street Eighty-five and Nine-tenths feet (85.9'); THENCE North Eighty-three degrees Twenty-eight minutes East ($N 83^{\circ} 28' E$) Two hundred and eleven and Seven-tenths feet (211.7') more or less to the point of

intersection with a line drawn parallel with the East limit of Topping Street as shown on Plan 727 from a point "A" which point "A" is ascertained by— COMMENCING at the intersection of the Southerly limit of the Base Line Road allowance across said Lot Number Thirty-five (35) with the Easterly limit of Topping Street as shown on Plan Number 727; THENCE Southerly along the Easterly limit of Topping Street One hundred and Fifty feet (150'); THENCE Easterly on a bearing North Eighty-three degrees Twenty-eight minutes East (N 83° 28' E) and parallel to the said Base Line Road, Three hundred and Sixty-eight and One-tenth feet (368.1') to such point "A"; THENCE southerly on a course South 10° zero Four minutes East to the Northerly limit of Commissioners Road or Brick Street; THENCE North Eighty degrees zero minutes West (N 80° 00' W) along the North limit of Commissioners Road or Brick Street, Two hundred and Forty and Five-tenths feet (240.5') to the place of beginning.

SUBJECT To an easement in favour of The Hydro-Electric Power Commission of Ontario as described in Instrument No. 60267.

BYRON NORTHVIEW PUBLIC SCHOOL,
1370 Commissioners Road,
London, Ontario.

Firstly:

ALL AND SINGULAR that tract of land and premises situate lying and being in the City of London (formerly in the Township of Westminster,) in the County of Middlesex, in the Province of Ontario, containing by admeasurement, one-eighth of an acre, be the same more or less being composed of part of Lots forty-five and forty-six broken front in the said Township of Westminster and may be known as follows, that is to say:

COMMENCING at a stake on the south side of the Commissioners Road and on the line between lots numbers forty-five and forty-six, then in an easterly direction parallel with the Commissioners Road thirty-three feet, then in a southerly direction parallel with the line between lots forty-five and forty-six eighty-two decimal five feet, then in a westerly direction parallel with the Commissioners Road, sixty-six feet, then in a northerly direction parallel with the line between lots forty-five and forty-six eighty-two decimal five feet to the Commissioners Road; then in an easterly direction parallel with the Commissioners Road thirty-three feet to the place of beginning.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London (formerly in the Township of Westminster), in the County of Middlesex and being composed of Lots Numbers 1 and 2 according to Registered Plan No. 668 for the said Township.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London (formerly in the Township of Westminster), in the County of Middlesex and Province of Ontario and being composed of part of Lot Eighty-nine (89) according to Registered Plan No. 563 for the said Township of Westminster, more particularly described as follows: COMMENCING at a point in the Southerly limit of Lot 90, Plan 563, distant Easterly One Hundred and Twenty-seven feet (127') Easterly from the South-westerly angle of the said Lot 90; THENCE Southerly and parallel to the limit between Lots 45 and 46, in the Broken Front Concession of the said Township of Westminster to a point in the Easterly production of the limit between Lots 2 and 3, Plan 668 for the said Township

of Westminster; THENCE Westerly along the said Easterly production of the limit between said Lots 2 and 3 a distance of One Hundred and Eleven decimal Two Feet (111.2') more or less to the South-east angle of said Lot 2, Plan 668; THENCE Northerly along the Easterly limits of said Lots 2 and 1, Plan 668 and Lot 136, Plan 563 a distance of Two Hundred and Seventy-six decimal Five Feet (276.5') to a point in the Easterly limit of said Lot 136, distant fifty-eight decimal eighty five feet (58.85') Southerly from the South-westerly angle of Lot 90, Plan 563; THENCE South eighty-seven degrees, thirteen and one-half minutes west ($87^{\circ} 13\frac{1}{2}'$ W) One Hundred and Eleven decimal Two feet (111.2') to the place of beginning.

FAIRMONT PUBLIC SCHOOL,
1040 Hamilton Road,
London, Ontario.

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London, (formerly in the Township of London), in the County of Middlesex, and being composed of part of Lot No. 7, Concession "B" in the said Township which parcel may be more particularly described as follows: PREMISING that all bearings are astronomic and are referred to the bearing of North 20 degrees, 44 minutes, 30 seconds West of the limit between Lots Number 7 and 8 being the Westerly limit of Block lettered "J" according to Registered Plan Number 790, COMMENCING where the Easterly limit of Block lettered "J" according to Registered Plan Number 790 intersects the Northerly limit of the Hamilton Road; THENCE North 4 degrees, 25 minutes, 40 seconds West, 276.87 feet to an iron bar; THENCE North 79 degrees, 3 minutes 50 seconds East, 142.05 feet more or less to a line drawn on a bearing of North 9 degrees, 12 minutes, 10 seconds West from a point in the Northerly limit of the Hamilton Road distant 181.5 feet Easterly therealong from the intersection of the Northerly limit of the Hamilton Road and the Westerly limit of said Lot Number 7, Concession "B"; THENCE North 0 degrees, 12 minutes 10 seconds West, 280.19 feet more or less to the Southerly limit of Lot Number 277 according to Registered Plan Number 790; THENCE South 68 degrees, 52 minutes, 20 seconds West along the Southerly limit of said Lot Number 277 and along the Southerly limit of Block "J" according to Registered Plan Number 790, 316.06 feet to an angle formed in the Southerly limit of Block "J", said point being distant 51.45 feet Easterly from the Westerly limit of said Lot Number 7, Concession "B"; THENCE south 20 degrees, 44 minutes, 30 seconds East along the Easterly limit of Block "J", 501.70 feet to the place of beginning.

GLENDALE PUBLIC SCHOOL,
310 Southdale Road,
London, Ontario.

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London, (formerly in the Township of Westminster) in the County of Middlesex, containing by admeasurement Forty-eight and one half perches more or less, and being composed of a part of Lot Number Twenty-nine in the First Concession of the said Township of Westminster, and described as follows: COMMENCING at the northern limit of road allowance between the first and second concessions and the limit between Lots twenty-nine and thirty; THENCE north eighty-one degrees, thirty minutes East along the northern limit of said road allowance 60.06 feet; THENCE north eleven degrees thirty minutes west parallel to the side lines 220 feet; THENCE south eighty-one degrees thirty minutes west parallel to the

Concession Road 60.06 feet; THENCE south eleven degrees, thirty minutes east along the side lines between lots twenty-nine and thirty 220 feet to the place of beginning.

SAVE AND EXCEPT those lands conveyed to The Corporation of the City of London by Instrument No. 315852 for road widening purposes.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London, (formerly in the Township of Westminster, in the County of Middlesex and being composed of part of Lot Number 29 in the First Concession of the Said Township, more particularly described as follows: COMMENCING at a point in the Northern limit of the road allowance between the First and Second Concessions at the distance of 60.06 feet Easterly therealong from the South-westerly angle of the said Lot; THENCE Easterly along the said Northern limit of the road allowance, One Hundred and Eighty-one feet Six inches; THENCE North Eleven degrees Thirty minutes West parallel with the side lines of the said Lot, Five Hundred and Five feet Six inches; THENCE South eighty-one degrees Thirty minutes West parallel with the said road allowance Two hundred and Forty-one feet six inches more or less to the Westerly limit of the said Lot; THENCE Southerly along the West limit of the said Lot, Two hundred and Eighty-five feet Six inches to a point, said point also being the North-west angle of the lands conveyed by one Ezekiel Dale to The Trustees of School Section Number Eight of the said Township of Westminster by registered Deed Number 9610; THENCE Easterly and parallel to the northern limit of said road allowance and along the Northerly limit of the lands conveyed by said registered Deed Number 9610, Sixty feet; THENCE Southerly and parallel to the west limit of Lot 29 and along the Easterly limit of the lands conveyed by said registered Deed Number 9610, Two hundred and Twenty feet more or less to the place of beginning, containing by admeasurement Two and One half acres be the same more or less.

SAVE AND EXCEPT those lands conveyed to The Corporation of the City of London for the purposes of a public Highway by Instrument No. 315852.

HUTTON ROAD PUBLIC SCHOOL,
654 Hutton Road,
London, Ontario.

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London, (formerly in the Township of London) in the County of Middlesex and Province of Canada and being a portion of Lot number twenty-one in the First Concession of the Township of London which may be known and described as follows, that is to say: COMMENCING at a point on the east side of said lot number twenty-one and at the distance of three hundred and fifty feet from the northeast corner of the said lot twenty-one in a course south twenty-one degrees and thirty minutes east from the said northeast corner of the said lot; THENCE south sixty-eight degrees, thirty minutes west seventy feet; THENCE south twenty-one degrees thirty minutes east thirty feet; THENCE north sixty-eight degrees thirty minutes east seventy feet to the Road Allowance between Lots Twenty and Twenty-one; THENCE North twenty-one degrees thirty minutes west thirty feet more or less to the place of beginning;

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of London,) in the County of Middlesex and Province of Ontario and being composed of part of lot number twenty-one in the First Concession of the said Township of London and may be known and described as follows, that is to say: COMMENCING at a point in the westerly limit of the road allowance known as the side road between lots numbers twenty and twenty-one at the distance of two hundred and forty-eight feet from the north-eastern corner of the said lot number twenty-one measured in a southerly direction along the westerly limit of said side road; THENCE south sixty-eight degrees and thirty minutes west one hundred and sixty-five feet parallel with the road allowance between the First and Second Concessions of said Township known as the concession line; THENCE south twenty-one degrees and thirty minutes east, one hundred and thirty-two feet parallel with the side road; THENCE north sixty eight degrees and thirty minutes east, ninety-five feet parallel with the concession line; THENCE north twenty-one degrees and thirty minutes west thirty feet parallel with the side road; THENCE north sixty-eight degrees and thirty minutes east seventy feet parallel with the concession line of the westerly limit of the side road; THENCE north twenty-one degrees and thirty minutes west one hundred and two feet along said westerly limit of the place of beginning containing by admeasurement nineteen thousand six hundred and eight square feet.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of London), in the County of Middlesex and being composed of part of Lot number Twenty-one in the first concession of the said Township, more particularly described as follows: COMMENCING at a point in the interior of Lot 21, Concession 1 which point of commencement may be located as follows: COMMENCING at a point in the westerly limit of the road allowance known as the side road between Lots numbers 20 and 21 at a distance of 248 feet from the northeastern corner of the said Lot number 21 measured in a southerly direction along the westerly limit of said side road; THENCE southerly $68^{\circ} 30'$ West 165 feet parallel with the road allowance between the First and Second Concession of the said Township known as the Concession Line, which point is the point of commencement; THENCE westerly parallel with the concession line 33 feet; THENCE southerly parallel with the side road between Lots numbers Twenty and Twenty-one, Concession 1, one hundred and thirty-two feet; THENCE easterly parallel with the concession line 33 feet more or less to a point distant 165 feet west of the side road; THENCE northerly parallel with the side road a distance of 132 feet to the point of commencement.

SAVE AND EXCEPT those lands conveyed to The Corporation of the City of London for the purposes of road widening as first described in Instrument No. 225623.

KENSAL PARK PUBLIC SCHOOL,
328 Springbank Drive,
London, Ontario.

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London, (formerly in the Township of Westminster,) in the County of Middlesex, and being composed of Block "A" according to registered Plan 783.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London (formerly in the Township of Westminster) in the County of Middlesex, and Province of Ontario and being composed of Lots Numbers Seven, Eight, Nine, Ten, Eleven, Twelve and Thirteen on the East side of Chessington Avenue, in Block lettered "R", according to Plan registered in the Registry Office for the East and North Ridings of the County of Middlesex, (now Middlesex East (No. 33)) as Number 376.

MANOR & HIGHLAND PARK PUBLIC SCHOOL,
20 Forbes Street,
London, Ontario.

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London (formerly in the Township of Westminster,) in the County of Middlesex, and Province of Ontario, and being composed of Lot Number Three Hundred and Thirteen (313) Manor Park Subdivision, according to Plan Number 488 for the Township of Westminster, registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex, (now Middlesex East (No. 33)).

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the City of London, (formerly in the Township of Westminster,) in the County of Middlesex and Province of Ontario, and being composed of Lot Number Three Hundred and Fourteen, (314) Manor Park Subdivision, according to Plan Number 488, for the Township of Westminster, registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex, (now Middlesex East No. 33).

Thirdly:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being, in the City of London, (formerly in the Township of Westminster,) in the County of Middlesex and Province of Ontario, and being composed of Lots Numbers Three Hundred and Fifteen (315) and Three Hundred and Sixteen (316), Manor Park Subdivision according to Plan Number 488 for the Township of Westminster, registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex, (now Middlesex East (No. 33)).

MASONVILLE PUBLIC SCHOOL,
24 Fanshawe Park Road West,
London, Ontario.

ALL AND SINGULAR that parcel of land and premises situate lying and being in the City of London (formerly in the Township of London) in the County of Middlesex and Province of Ontario and being composed of part of Lot Number Seventeen in the Fourth Concession of the said Township of London comprising one acre and more particularly described as follows that is to say: COMMENCING at a point in the southerly limit of the Road Allowance between Concessions 4 and 5 distant 417' 5½" westerly from the

Northeast angle of Lot 17; THENCE Westerly along the Northerly boundary of said Lot 165 feet; THENCE Southerly and parallel to the Proof Line Road a distance of 264 feet to a point; THENCE Easterly and parallel to the Southerly limit of the Road Allowance between Concessions 4 and 5 a distance of 165 feet to a point; THENCE Northerly and parallel to the Proof Line Road a distance of 264 feet to the place of beginning.

SAVE AND EXCEPT therefrom those lands expropriated by the Province of Ontario for road widening purposes.

MILDRED B. BARONS PUBLIC SCHOOL,
444 Kathleen Street,
London, Ontario.

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of London,) in the County of Middlesex and being composed of that part of Lot 18 according to registered Plan No. 19 lying south of the Canadian Pacific Railway right-of-way and more particularly described as follows:

COMMENCING at a point in the southerly limit of said Lot 18 at the north-west angle of Block "A" according to Plan 480, THENCE Northerly along the production Northerly of the Westerly limit of said Block "A" to the Southerly limit of the Canadian Pacific Railway right-of-way, THENCE Easterly along the Southerly limit of the Canadian Pacific Railway right-of-way 313 feet, 5 inches, more or less to its intersection with the Easterly limit of said Lot 18, THENCE Southerly along the Easterly limit of said Lot 18 to the South-east angle of the said Lot and the North-east angle of said Block "A" according to registered Plan No. 480, THENCE Westerly along the limit between said Block "A" and Lot 18, 313 feet more or less to the place of beginning.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of London,) in the County of Middlesex, and being composed of Lot Number Twenty-one on the West side of Kathleen Avenue according to Registered Plan Number 480 for the Township of London.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the City of London (formerly in the Township of London,) in the County of Middlesex and being composed of Block "A" according to a plan made for the Grantor and registered as Number 480.

MOUNTSFIELD PUBLIC SCHOOL,
87 Mountsfield Drive,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the City of London (formerly in the Township of Westminster) in the County of Middlesex and being composed of part of Lot Number Twenty-seven, Concession One, more particularly described as follows: COMMENCING at the southwest corner of Lot 24, Registered Plan 807; THENCE north 20° 39' west along the westerly limit of Lots 18 to 24 (both inclusive) Plan 807 a distance of 390.76 feet to a point; THENCE south

83° 52' west along the southerly limits of Lots 8 to 15 (both inclusive) Plan 807 and part of Lot 16, Plan 807 a distance of 557.62 feet to a point; THENCE south 13° 44' 30" east along the easterly limits of Lots 1 to 5 (both inclusive) Plan 807 and part of Lot Plan 807 a distance of 336.74 feet to the southeasterly angle of Lot 1, Plan 807; THENCE southeasterly following the northern boundary of Mountsfield Drive as shown on Plan 807 a distance of 143.78 feet more or less to the northwesterly angle of Block "A" Plan 568; THENCE easterly along the northerly limit of said Block "A" Plan 568 219 feet 5 inches more or less to the northeasterly angle of said Block "A", Plan 568; THENCE easterly parallel to and at a constant perpendicular distance of 66 feet from the northwesterly limit of Lot 40 of said Plan 568 a distance of 73 feet 8" more or less to the point of commencement.

OXFORD PARK PUBLIC SCHOOL,
284 Oxford Street, West,
London, Ontario.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of London), in the County of Middlesex and Province of Ontario and containing by admeasurement ten acres be the same more or less; being composed of Park Lot No. 5 on the south side of Oxford Street, and being part of the north half of Lot No. 18 in the First Concession.

SAVE AND EXCEPT those lands conveyed to The Corporation of the City of London for road widening purposes as secondly described in Instrument No. 225623.

SIR WINSTON CHURCHILL PUBLIC SCHOOL,
1837 Churchill Street,
London, Ontario.

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the City of London, (formerly in the Township of London), in the County of Middlesex and being composed of all of Lots 17, 18 and 19, Plan 465 and part of Lot 16, Plan 535, all of which is more particularly described as follows: COMMENCING at the southwest angle of Lot 19, Plan 535; THENCE northerly along the westerly limits of Lots 19, 18, 17 and 16, Plan 535 a distance of 443.13 feet to a point; THENCE easterly and parallel to the northerly limit of Lot 16, Plan 535 a distance of 131.0 feet to the westerly limit of said Lot 16, Plan 535; THENCE southerly along the easterly limit of said Lots 16, 17, 18 and 19 a distance of 443.13 feet more or less to the southeast angle of Lot 19, Plan 535; THENCE westerly along the southerly limit of said Lot 19 a distance of 131.0 feet to the point of commencement.

SUBJECT To a Grant of Easement to the Corporation of the Township of London more particularly described in Instrument No. 129020.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the City of London, (formerly in the Township of London) in the County of Middlesex and being composed of part of Block "A", Plan 535 more particularly described as follows: COMMENCING at the southwesterly angle of Block "A", Plan 535: THENCE northerly along the westerly limit of Block "A", Plan 535 a distance of Three Hundred and Sixty-Six and Five Tenths feet (366.50') to a point; THENCE Easterly and parallel to the northerly limit of Block "A", Plan 535 a distance of 9.39 feet

more or less to the easterly limit of Block "A", Plan 535; THENCE southerly along the easterly limit of Block "A" Plan 535 a distance of 366.50 feet more or less to the southeasterly angle of Block "A", Plan 535; THENCE westerly along the southerly limit of Block "A", Plan 535 a distance of 9.97 feet more or less to the point of commencement.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the City of London, (formerly in the Township of London) in the County of Middlesex and being composed of part of Block "A", Plan 465, more particularly described as follows: COMMENCING at the southeast angle of Block "A" Plan 535; THENCE southerly along the easterly limit of Plan 535 a distance of 76.78 feet to the southerly limit of Block "A" Plan 465; THENCE easterly along the southerly limit of Block "A", Plan 465 a distance of 260.75 feet more or less to a point in the southerly limit of Block "A", Plan 465 (said point being 33 feet westerly from the northeast angle of Block "A", Plan 465 and also being the northeasterly angle of Lot 35, Plan 738); THENCE northerly and parallel to the easterly limit of Block "A", Plan 465 a distance of 216 feet to a point; THENCE easterly and parallel with the southerly limit of Block "A", Plan 465 a distance of 33 feet more or less to the easterly limit of Block "A", Plan 465; THENCE northerly along the easterly limit of Block "A", Plan 465 a distance of 220 feet to a point; THENCE westerly in a straight line 293.75 feet more or less to a point in the easterly limit of Block "A", Plan 535 which point is 130 feet southerly from the northeast angle of Block "A", Plan 535; THENCE southerly along the easterly limit of Block "A", Plan 535, a distance of 289.72 feet more or less to the point of commencement.

WOODLAND HEIGHTS PUBLIC SCHOOL,
474 Springbank Drive,
London, Ontario.

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster,) in the County of Middlesex and being composed of part Lot Number Thirty-five (35) in Broken Front Concession "B" more particularly described as follows: COMMENCING at a point Three Hundred feet (300') Southerly from the Pipe Line Road along a line drawn parallel to the Westerly limit of the said Lot from a point distant Four Hundred and Ninety-five feet (495') Easterly along the Southerly limit of the Pipe Line Road from the Westerly limit of the said Lot; THENCE Southerly parallel with the Westerly limit of the said Lot One Hundred feet (100'); THENCE Easterly parallel to the Southerly limit of the Pipe Line Road Forty-five feet (45'); THENCE Northerly parallel to the Westerly limit of the Pipe Line Road One Hundred feet (100'); THENCE Westerly parallel to the Southerly limit of the Pipe Line Road Forty-five feet (45') to the place of beginning.

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster,) in the County of Middlesex and being composed of part of Lot Number Thirty-five (35) in the Broken Front Concession "B" more particularly described as follows: COMMENCING at a point Three Hundred feet (300') Southerly from the Pipe Line Road along a line drawn parallel to the Westerly limit of the said Lot from a point distant Five Hundred and Forty feet (540') Easterly along the Southerly limit of the Pipe Line Road from the Westerly limit of the said Lot; THENCE Southerly parallel to the Westerly

limit of the said Lot One Hundred feet (100'); THENCE Easterly parallel to the Southerly limit of the Pipe Line Road Forty-five feet (45'); THENCE Northerly parallel to the Westerly limit of the Pipe Line Road One Hundred feet (100'); THENCE Westerly parallel to the Southerly limit of the Pipe Line Road Forty-five feet (45') to the place of beginning.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster,) in the County of Middlesex and being composed of part of Lot Number Thirty-five (35) in the Broken Front Concession "B" more particularly described as follows: COMMENCING at a point in the Southerly limit of the Pipe Line Road distant Three Hundred and Thirty feet (330') Easterly therealong from the Westerly limit of the said Lot; THENCE Southerly parallel with the Westerly limit of the said Lot Six Hundred and Sixty feet (660'); THENCE Easterly parallel to the Southerly limit of the Pipe Line Road One Hundred and Sixty-five feet (165'); THENCE Northerly parallel to the Westerly limit of the said Lot Three Hundred and Sixty feet (360'); THENCE Westerly parallel to the Southerly limit of the Pipe Line Road Ninety-five feet (95'); THENCE Northerly parallel to the Westerly limit of the said Lot Three Hundred feet (300') to the Southerly limit of the Pipe Line Road; THENCE Westerly along the Southerly limit of the Pipe Line Road Seventy feet (70') to the place of beginning. SUBJECT To a right-of-way over that part of the above described lands having a frontage on Pipe Line Road of Seventy feet (70') and a depth of Three Hundred feet (300') reserved to the Grantor Charles Edward Barto Howard personally, but not to his heirs, executors, administrators, successors or assigns, for the purpose of ingress and egress to the lands of the said Charles Edward Barto Howard lying to the East of such right-of-way and so long as the said Charles Edward Barto Howard shall occupy the lands to the East of such right-of-way.

Fourthly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster,) in the County of Middlesex and being composed of part of Lot Number Thirty-five (35) in the Broken Front Concession "B" more particularly described as follows:—

COMMENCING at a point in the Westerly limit of the said Lot Number Thirty-five (35) in the Broken Front Concession of the Township of Westminster Four Hundred and Fifty feet (450') Southerly therealong from the Southerly limit of the Pipe Line Road; THENCE Easterly parallel to the Southerly limit of the Pipe Line Road Three Hundred and Thirty feet (330'); THENCE Southerly parallel to the Westerly limit of the said Lot Two Hundred and Ten feet (210'); THENCE Westerly parallel to the Southerly limit of Pipe Line Road Three Hundred and Thirty feet (330'); THENCE Northerly along the Westerly limit of the said Lot Two Hundred and Ten feet (210') to the place of beginning.

Fifthly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London, (formerly in the Township of Westminster) in the County of Middlesex, and being composed of part of the West half of Lot Number Thirty-five (35) in the Broken Front Concession of the Township of Westminster, more particularly described as follows:

COMMENCING at a point in the limit between said Lot Number Thirty-five (35) and Lot Number Thirty-six (36) distant 660 feet Southerly from the point of intersection of the said limit with the Southerly limit of Springbank Drive; THENCE Southerly along the limit between the said Lot Number Thirty-five (35) and Lot Number Thirty-six (36), a distance of 802 feet, more or less to a point, said point also being the south-westerly angle of lands formerly owned and enclosed by fences by Alfred Thompson; THENCE Easterly a distance of Six Hundred and Sixty-two feet (662'), to a point which point is Twelve decimal nought four feet (12.04') Westerly from the centre line between the East and West halves of the said Lot Thirty-five (35), and 1798.40 feet south of the Southerly limit of Springbank Drive in a line drawn parallel to the East and West halves of the said Lot 35; THENCE Northerly and parallel to the centre line of the said Lot a distance of 1138.40 feet to a point, said point also being the South-easterly angle of lands formerly owned and occupied by one John Alfred William Thompson; THENCE Westerly in a straight line parallel with the Southerly limit of Springbank Drive a distance of 721.21 feet more or less to the place of beginning.

Together With:

All the right, title and interest of the said Grantor in a strip of land twelve feet (12') in perpendicular width, and lying immediately adjacent to the West of the line marking the limit between the limit of the East and West halves of Lot Number Thirty-five (35) aforesaid, extending Southerly from the Southerly limit of Springbank Drive to the Southerly limit of the said Lot. SUBJECT, however, to such rights-of-way over the said strip of land as may be held by all persons thereunto lawfully entitled; and SUBJECT also to the right-of-way in favour of John William Thompson over the Northerly Three Hundred Feet (300') of the said strip of land.

And Together With:

A right-of-way in, over and upon a strip of land twelve feet in perpendicular breadth lying immediately adjacent to the East of the limit between the East and West halves of said Lot Number Thirty-five (35), and extending Southerly from the Southerly limit of Springbank Drive to the Southerly limit of the said Lot.

Sixthly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being (formerly in the Township of Westminster,) now in the City of London, in the County of Middlesex, and being composed of part of the West half of Lot Number Thirty-five in the Broken Front Concession "B" of the said Township of Westminster being more particularly described as follows: COMMENCING from a point in the Southerly limit of Springbank Drive distant Easterly therealong Seven Hundred and Twenty decimal Fifty-five feet (720.55') from the point of intersection of the Southerly limit of Springbank Drive with the West side limit of said Lot; THENCE Southerly parallel to the limit between the East and West halves of said Lot No. Thirty-five (35) and along the Westerly limit of a lane extending Southerly from Springbank Drive to the Southerly limit of the said Lot, a distance of Three Hundred Feet (300') to a point hereinafter called the place of beginning; THENCE continuing Southerly on the same course a distance of Three Hundred and Sixty feet (360') more or less to a point; THENCE Westerly parallel with the Southerly limit of Springbank Drive a distance of Two Hundred and Twenty-five decimal Sixteen feet (225.16') to a point; THENCE Northerly parallel with the limit between the East and West halves of said Lot Number Thirty-five (35) a distance of Two Hundred and Sixty feet (260') more or less to a point; THENCE Easterly parallel with the Southerly limit of Springbank Drive a distance of Ninety Feet (90') to a point;

THENCE Northerly parallel with the limit between the East and West halves of said Lot Number Thirty-five a distance of One Hundred Feet (100') to a point; THENCE Easterly parallel with the Southerly limit of Springbank Drive a distance of One Hundred and Thirty-Five decimal Sixteen feet (135.16') to the place of beginning.

SCHEDULE B

KENSAL PARK PUBLIC SCHOOL

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London (formerly in the Township of Westminster,) in the County of Middlesex, and being composed Block lettered "A" according to Registered Plan No. 845, And Subject to the easement reserved to The Corporation of the Township of Westminster over the Easterly Twenty-five feet of the lands above described for the construction and maintenance of sewers and watermains therealong and thereunder with all necessary rights of access thereto for such purposes, And Subject to the provision that no buildings or structures shall be erected upon the said Twenty-five feet, other than fencing along the Easterly boundary.

MASONVILLE PUBLIC SCHOOL

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of London) in the County of Middlesex and Province of Ontario and being composed of the following part of the north half of Lot Number Seventeen (17) in the Fourth Concession of the Township of London, namely: COMMENCING at a point in the Southerly limit of the allowance for road between the Fourth and Fifth Concessions in the said Township as widened by the addition of Seventeen Feet (17') by Plan of the Department of Highways for Ontario registered as Number 130 the said road being now known as The King's Highway No. 22 which said point is at intersection of the said limit by a straight line drawn northerly parallel with the westerly limit of the Proof Line Road from a point in the Northerly limit of Hillview Boulevard as shown on registered Plan Number 621 distant Eight Hundred and Eighty-six Feet Ten and one-half inches (886' 10½") Westerly measured along the said northerly boundary of Hillview Boulevard from the Westerly boundary of the Proof Line Road; THENCE Southerly along the said line drawn as aforesaid Three Hundred and Twenty-one point Seven Feet (321.7'); THENCE Westerly parallel with the Northerly limit of Hillview Boulevard Three Hundred and Forty-eight point Five feet (348.5'); THENCE Northerly parallel with the Westerly limit of the Proof Line Road Three Hundred and Three point Five feet (303.5') more or less to the Southerly limit of The King's Highway No. 22 as widened as aforesaid; AND THENCE Easterly along the Southerly limit of the said Highway as widened Three Hundred and Forty-nine feet (349') more or less to the place of beginning.

CHAPTER 197

**An Act respecting New Augarita
Porcupine Mines Limited**

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Michael Murray, a common shareholder, ^{Preamble} hereby represents that New Augarita Porcupine Mines Limited, herein called the Corporation, was incorporated by letters patent dated the 13th day of May, 1936; that the Provincial Secretary, by order dated the 7th day of May, 1965, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation and declared it to be dissolved on the 3rd day of June, 1965; that the applicant was a holder of common shares of the Corporation at the time of its dissolution, but not a director of the Corporation at such time; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act* was sent to each of the persons of record on the files of the Department of the Provincial Secretary and Citizenship, of whom none are applicants; that the said notice was not received by Michael Murray and he was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation had, by agreement dated the 5th day of July, 1957, purported to sell all its assets, subject to its liabilities, to Augdome Exploration Limited; that the Corporation despite such intent and belief has been found by the Supreme Court of Ontario not to have transferred all of its said assets; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. New Augarita Porcupine Mines Limited, incorporated <sup>New Augarita
Porcupine
Mines
Limited
revived</sup> by letters patent dated the 13th day of May, 1936, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a

company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The New Augarita Porcupine Mines Limited Act, 1973*.

CHAPTER 198

An Act respecting the Town of Oakville

Assented to May 18th, 1973
Session Prorogued March 5th, 1974

WHEREAS The Corporation of the Town of Oakville hereby applies ^{Preamble} for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Town of Oakville Act, 1961-62*, being ^{s. 1 (c),} amended chapter 161, is amended by adding thereto the following sub-clause:

(iiia) the provision of a public bus transportation system.

2. The said Act is amended by adding thereto the following ^{s. 4a,} enacted section:

4a. The liability of the Town in respect of the debentures ^{Rates to be charged in} issued under the authority of the Town's by-law 1972-111 ^{urban} shall, notwithstanding the provisions of that by-law and of the ^{service} Town's by-law 1972-115, be discharged by the imposition ^{area} in each year of the currency of the said debentures of a special rate sufficient therefor over and above all other rates on all the rateable property in the urban service area.

3. This Act shall be deemed to have come into force on the 1st day of ^{Commence-} January, 1973. ^{ment}

4. This Act may be cited as *The Town of Oakville Act, 1973*. ^{Short title}

CHAPTER 199

**An Act respecting
the Town of Orangeville**

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the Town of Orangeville Preamble
hereby applies for special legislation in respect of the
matters hereinafter set forth; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The following boards and commissions of The Boards, etc.,
dissolved
Corporation of the Town of Orangeville are hereby dissolved:

1. The Orangeville Municipal Recreation Committee.
2. The Board of Park Management.
3. The Community Centres Management Board.

(2) On the dissolution mentioned in subsection 1, all of the Assets vested
in Town
assets and liabilities of such boards and commissions shall
become the assets and liabilities of The Corporation of the
Town of Orangeville, without compensation.

(3) On the dissolution mentioned in subsection 1, the em- Employees of
boards, etc.,
become
employees of
Town
ployees thereof shall become employees of The Corporation
of the Town of Orangeville, and all terms and conditions
affecting seniority, remuneration and other benefits in force
with respect to such employees shall be assumed by The
Corporation of the Town of Orangeville.

2. The council of The Corporation of the Town of Orange- Council
deemed
committee,
etc.
R.S.O. 1970,
cc. 120, 73
ville shall be deemed to be a recreation committee under *The
Ministry of Community and Social Services Act* and regula-
tions thereunder and a board of a community centre under *The
Community Centres Act*.

Authority to
pass by-law

R.S.O. 1970,
c. 384

3. The council of The Corporation of the Town of Orangeville may pass a by-law to provide for the repeal of By-law 2207, which by-law provided for the adoption of *The Public Parks Act*, without the assent of the electors of the Corporation.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Town of Orangeville Act, 1973*.

CHAPTER 200

An Act respecting the City of Ottawa

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the City of Ottawa, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) For the purposes of subsection 6 of section 250 of Deemed
service
The Municipal Act, the prior service of Peter Gavin Burns R.S.O. 1970,
c. 284
with Central Mortgage and Housing Corporation is hereby
deemed to be service with the civil service of Canada.

(2) The Trustees of The City of Ottawa Superannuation Acceptance
of transfer
of moneys
authorized
Fund are hereby authorized to accept the transfer of any
sum of money, including interest, standing to the credit of
the said Peter Gavin Burns, and to apply it for the benefit
of the said Peter Gavin Burns in accordance with the terms
of The City of Ottawa Superannuation Fund By-laws, and
to enter into an agreement with Central Mortgage and Housing
Corporation to effect such transfer.

(3) The said Peter Gavin Burns is hereby deemed to have Deemed
employee of
Corporation
been an employee of the Corporation for pension purposes
only, from the 1st day of October, 1962, and as such, not
eligible for membership in the Ontario Municipal Employees
Retirement System.

(4) Notwithstanding any provisions to the contrary in Transfer of
moneys by
OMERS
R.S.O. 1970,
c. 342
The Pension Benefits Act and the regulations made thereunder,
the Ontario Municipal Employees Retirement System shall
forthwith transfer to the Trustees of The City of Ottawa
Superannuation Fund the total amount of all employer and
employee contributions made on account of the said Peter
Gavin Burns together with interest thereon, at the same rate
as is payable on refund of contributions, for the period of
his membership in the said Ontario Municipal Employees
Retirement System.

Power to
restrain
contra-
vention may
be vested
in court

2. In addition to any of the powers conferred on the council of any municipality by *The Municipal Act* or by any general or special Act, the Corporation may, in exercising any of its powers to license or regulate, provide in any such regulation authority to a court, wherein the information is first laid, and to any court of competent jurisdiction thereafter, to issue an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Retirement
allowances
authorized
R.S.O. 1970,
cc. 284,
118

3.—(1) Notwithstanding subsections 1 and 5 of section 239 of *The Municipal Act*, the council of the Corporation may grant an annual retirement allowance, calculated in accordance with the City of Ottawa Superannuation Fund, payable weekly, monthly or otherwise, to an employee during his life who has had continuous service for at least ten years with the Corporation or with the Corporation and any other municipality or local board as defined in *The Municipal Affairs Act* or any two or more of them and who becomes permanently partially disabled and thereby unable to perform the duties associated with his position at that time, provided that no retirement allowance, together with the amount of any pension payments payable to the employee in any year under a pension plan of the City of Ottawa, shall exceed the amount of any pension payment to which any such employee would be entitled if the employee were a member of the City of Ottawa Superannuation Fund.

Interpre-
tation

(2) "Employee" in subsection 1 means an employee as defined in paragraph 64 of section 352 of *The Municipal Act*, but does not include an employee who is a member of the City of Ottawa Superannuation Fund.

By-laws
designating
buildings of
historical or
architectural
value

4.—(1) The council of the Corporation may, with the prior approval of the Ontario Municipal Board, pass by-laws designating buildings or structures as buildings or structures of historic or architectural value or interest.

Provisions
that may be
contained in
by-laws

(2) A by-law passed under subsection 1 may,

- (a) prohibit the demolition or destruction of buildings or structures designated thereunder or prohibit or regulate the alteration, renovation or use thereof;
- (b) provide for the acquisition by purchase, lease or otherwise of any such building or structure; or
- (c) provide for the making of grants to the owner of any such building or structure for the renovation, restoration or maintenance thereof.

(3) Where a by-law prohibits the demolition, destruction, alteration, renovation or use of a building or structure, or regulates the alteration or renovation of a building or structure, unless the Corporation has, within ninety days of the passing thereof, ^{By-law to be repealed if no agreement re purchase, etc., of building or structure}

- (a) entered into an agreement for the purchase of the building or structure;
- (b) entered into an agreement for the payment of compensation to the owner of the building or structure; or
- (c) expropriated the building or structure,

the Corporation shall forthwith repeal the by-law.

(4) A by-law passed under subsection 1 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper land registry office, and where any by-law is not so registered, it shall be deemed to be repealed. ^{Registration of by-law}

(5) A by-law repealing a by-law passed under subsection 1 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper land registry office. ^{Idem}

(6) Where a by-law passed under subsection 1, other than a by-law regulating the use of buildings or structures, is repealed, the Corporation is liable to the owner of any land affected by the by-law for any consequential damages. ^{Liability of Corporation}

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. This Act may be cited as *The City of Ottawa Act, 1973*. ^{Short title}

CHAPTER 201

**An Act respecting
the City of Peterborough**

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the City of Peterborough ^{Preamble} hereby represents that on the 23rd day of October, 1972, the council of The Corporation of the City of Peterborough gave first and second readings to By-law Number 1972-116, entitled "A by-law to authorize The Corporation of the City of Peterborough to enter into an agreement with Border Transit Limited granting to Border Transit Limited the exclusive right to operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five years from the 1st day of January, 1974, and obligating the Corporation to pay annually to Border Transit Limited such amount of money as may be necessary to provide Border Transit Limited with a profit in the operation of such buses to the extent set forth in the said agreement"; that the by-law has been assented to by the municipal electors for the City of Peterborough; and whereas the Corporation hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the City of Peter- ^{Agreement} borough is hereby authorized to give third reading to and ^{authorized} finally pass By-law Number 1972-116, as set forth in the Schedule hereto, and to enter into the agreement forming part of the by-law.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The City of Peterborough Act*, ^{Short title} 1973.

SCHEDULE

BY-LAW NUMBER 1972-116

A BY-LAW to authorize The Corporation of the City of Peterborough to enter into an agreement with Border Transit Limited granting to Border Transit Limited the exclusive right to operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five years from the 1st day of January, 1974 and obligating the Corporation to pay annually to Border Transit Limited such amount of money as may be necessary to provide Border Transit Limited with a profit in the operation of such buses to the extent set forth in the said agreement.

The Corporation of the City of Peterborough by the Council thereof enacts as follows :

1. That The Corporation of the City of Peterborough enter into the agreement with Border Transit Limited set forth as a schedule to this by-law and the Mayor and Clerk are hereby authorized and directed to sign and affix the seal of the Corporation thereto.

READ A FIRST AND SECOND TIME this 23rd day of October, 1972.

P. D. GALVIN,
Mayor.

S. HENDRY,
Clerk.

READ A THIRD TIME and finally passed this day of
1973.

Mayor.

Clerk.

Schedule

THIS AGREEMENT made in duplicate this 24th day of October, 1972.

BETWEEN :

THE CORPORATION OF THE CITY OF PETERBOROUGH,
hereinafter called the Corporation

OF THE FIRST PART

—and—

BORDER TRANSIT LIMITED,
hereinafter called the Company

OF THE SECOND PART

WHEREAS the parties hereto entered into an Agreement dated the 5th day of May, 1969 relating to the conveyance of passengers by bus which Agreement expires on the 31st day of December, 1973.

AND WHEREAS the parties hereto are desirous of entering into a further agreement upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration, the parties hereto hereby agree as follows:

1. In this agreement,

- (a) "deficit", "depreciation", "net profit" and "capital assets" are used with reference only to the maintenance and operation of buses by the Company for the conveyance of passengers within the limits of the City of Peterborough in accordance with the terms of this agreement and other operations presently carried on by the Company within the limits of the City of Peterborough,
- (b) "capital assets" does not include motor vehicles other than buses and service trucks,
- (c) "undepreciated capital cost" means the original capital cost less the accumulated depreciation allowed under this agreement.

2. Subject to the due performance by the Company of its obligations under this agreement, the Corporation hereby grants to the Company the exclusive right to maintain and operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five years from and including the first day of January, 1974 to and including the thirty-first day of December, 1978. The franchise hereby granted relates only to the picking up, conveyance and discharge of passengers within the limits of the City of Peterborough and does not extend or apply to the operation of buses operating between any point within the City of Peterborough and points outside the City of Peterborough where passengers are not conveyed from one point within the City of Peterborough to another and does not apply to passengers conveyed within the City of Peterborough by taxicab or ambulance. Without restricting the generality of the foregoing, it is understood and agreed that the Company shall have the exclusive right to pick up, convey and discharge students within the limits of the City of Peterborough and the exclusive right to enter into any contract for the conveyance of students within the limits of the said City of Peterborough, provided however, that the Peterborough County Board of Education and the Peterborough-Victoria-Northumberland and Durham County Roman Catholic Separate School Board shall have the right to pick up, convey and discharge students within the City of Peterborough who are in attendance at their schools, on buses owned, operated or subcontracted for by the said Boards on condition that it is done without charge to such students.

3. During the period of this agreement the Company shall maintain and operate an adequate number of buses for the conveyance of passengers within the City of Peterborough on such routes and at such times as the Corporation shall by resolution determine and in the meantime on such routes and at such times as are set forth in the schedule presently on file with the Clerk of the Corporation and initialled by both parties. All buses so used shall be kept at all times in a good and sufficient state of repair, shall be kept clean inside and out and shall be lighted and heated at such hours and at such periods of the year as may be necessary. All buses shall be of reasonably modern design and type as may be agreed upon by the Corporation and the Company. The Corporation agrees to consult with the Company with respect to proposed changes in routes and schedules but the decision of the Corporation in this regard shall be final. The Corporation will give the Company reasonable notice of any changes in routes and schedules and the Company shall cause any such changes to be properly advertised and posted.

4. During the term of this Agreement the Company shall pay to the Corporation an annual licence fee of \$100.00 on the 1st day of January in each year. The Company shall maintain such licences and permits as may be necessary to carry out its obligations under this Agreement.

5. The rate of fares for conveyance of passengers shall be:

Adult Fare—20¢ cash or 3 tickets for 50¢

Senior Citizens—20¢ cash or 5 tickets for 50¢

Blind—no charge

Children under 58 inches in height—10¢ cash or 6 tickets for 50¢

Such fares shall not be changed, altered or otherwise varied by the Company without the consent of the Council of the Corporation as expressed by resolution.

6. During each of the years 1974, 1975, 1976, 1977 and 1978, the Corporation will pay the Company a subsidy sufficient in amount to provide the Company with a net profit in each of such years after payment of Federal and Ontario corporation income taxes of \$18,500.00. The Company's auditor will prepare quarterly statements of profit and loss for each of the first three quarters in each of such years and the Corporation will make payments to the Company on account of the said subsidy in the amount of any deficit incurred during any of the said quarter-yearly periods, the payments to be made not later than 45 days following the receipt of the statements. The final annual payments on account of the subsidy, if necessary, will be made within 30 days of the receipt of the Corporation of complete financial statements for the year prepared by the Company's auditors. If the payments by the Corporation to the Company on account of the subsidy result in the Company making a net profit in any year after payment of Federal and Ontario corporation income taxes of more than \$18,500.00 the Company shall forthwith pay the Corporation a sum equal to the difference between the amount of such net profit and the sum of \$18,500.00. For the purpose of calculating net profit the Company may claim all reasonable and proper expenses including a depreciation allowance on its capital assets in the amount actually allowed by the Department of National Revenue in calculating Federal corporation income taxes subject to the proviso that the depreciation allowance for motor vehicles shall not exceed 20% per annum calculated on the declining balance. No allowance shall be made for corporation income tax payable by the Company with respect to the recapture of depreciation and no allowance shall be made for any amount paid for the full time manager's salary and expenses in excess of \$13,000.00 or executive salaries and expenses (including directors' and officers' remuneration) in excess of \$7,000.00 per annum without the consent of the Council of the Corporation as expressed by resolution. The Corporation's auditors shall have the right at all reasonable times during the currency of this agreement to examine and verify such of the Company's books of account, vouchers and records as are related to the performance of the Company's obligation under this Agreement.

7. No profitable revenue producing operation presently carried on by the Company within the limits of the City of Peterborough shall be discontinued without the consent of the Council of the Corporation as expressed by resolution.

8. The Company shall not be entitled to purchase a capital asset of any kind at a cost in excess of \$2,000.00 and less than \$5,000.00 without the consent of the City Administrator or at a cost in excess of \$5,000.00 without the consent of the Council of the Corporation as expressed by resolution.

9. In the event that either party does not fully perform its obligations hereunder and fails to correct the default within 10 days of receiving a written demand to do so, or in the case of a cessation of service for reasons other than a strike or act of God within 72 hours of the receipt of the demand, the other party may forthwith terminate this Agreement by giving the defaulting party a notice in writing to this effect. Such notice may be personally served or delivered by registered mail to the Corporation at the City Hall, Peterborough, or the Company at 38 Hunter Street East, Peterborough. In the event this Agreement is so terminated on a date other than the 31st day of December in any year, the amount of the subsidy referred to in paragraph 6 hereof for the year in which the termination occurs shall be reduced proportionately and in such event the amount of net profit where referred to in paragraph 6 hereof shall be reduced by the proportion that the period of the year remaining after the date of termination bears to the whole of the year and any amount payable by either the Corporation or the Company thereunder shall be adjusted accordingly.

10. The Company may apply in writing to the Council of the Corporation for a further renewal or extension of the franchise granted hereunder and such application shall be filed with the Clerk of the Corporation on or before the 1st day of June, 1977.

11. The Company will indemnify and save harmless the Corporation from any and all claims or demands made or brought against the Corporation by any person or persons for damages arising out of the maintenance and operation of buses by the Company for the conveyance of passengers within the limits of the City of Peterborough or other operations carried on by the Company within the limits of the City of Peterborough. The Company shall maintain public liability insurance coverage in the minimum amount of \$1,000,000.00 for any one occurrence and shall file proof of such insurance with the Clerk of the Corporation.

12. The Corporation shall during the said term by by-law provide sufficient bus stops as the Company may require to conduct its business of carrying passengers as may be agreed upon between the parties hereto and the Company shall adequately mark and maintain said bus stops at its expense. The Company shall post such signs and notices at bus stops as shall be required by the Corporation or as shall be mutually agreed upon.

13. The Corporation shall during said term by by-law regulate traffic in the City of Peterborough to enable the Company to operate its buses efficiently.

14. Upon the expiration of this Agreement or upon the termination of this Agreement by either party pursuant to clause 9 hereof, the Corporation shall for a period of two months thereafter have the sole, irrevocable and exclusive option to purchase all the capital assets of the Company free of encumbrances at a price to be agreed upon by the parties or upon their failure to agree, at a price to be determined under the provisions of *The Arbitrations Act*. It is agreed that in determining the price to be paid to the Company:

- (a) nothing shall be taken into account or allowed for the franchise hereby granted;
- (b) the price of buses and service trucks shall be the undepreciated capital cost thereof and the parties agree the undepreciated capital cost of buses and service trucks on December 31, 1971 was \$90,000.00;
- (c) the price of all other capital assets of the Company shall be the actual market value thereof at the date of exercise of the option;

The said option may be exercised by the Corporation giving written notice of such to the Company delivered by registered mail at its place of business in the City of Peterborough and upon the exercise of such option all the capital assets of the Company shall forthwith become the property of the Corporation and the Company agrees to execute all such instruments and assurances as may be necessary to effectively transfer title in the said capital assets to the Corporation. Upon the price being determined as aforesaid it shall immediately become due and payable by the Corporation to the Company together with interest thereon at the rate of six per cent per annum calculated from the date of the exercise of the option. In the event the Corporation fails to exercise the option within the said period of two months, then the Corporation will immediately buy from the Company and the Company will immediately sell to the Corporation all buses and service trucks then being used by the Company in connection with its operations in the City of Peterborough, at the undepreciated capital cost thereof.

15. The Company shall not be liable for damages arising out of the cessation or interruption of the bus service herein caused by fire, flood, act of God, strike or other circumstance beyond the control of the Company.

16. The Company shall not assign this Agreement and/or sell its capital assets to any person or corporation without the express consent of the Council of the Corporation as expressed by resolution provided, however, that such consent of the Corporation shall not be unreasonably withheld, and provided also that upon being advised by the Company of its intention to assign this Agreement and/or sell its said capital assets the Corporation shall immediately become entitled to the sole, irrevocable and exclusive option for a period of two months thereafter to purchase all the said capital assets of the Company at the price and upon the terms and conditions set forth in clause 14 hereof and upon the exercise of such option by the Corporation the franchise hereby granted shall immediately be terminated.

17. If at any time during or after the term of the Agreement any dispute, difference or question shall arise between the parties hereto, or any of their representatives, touching this Agreement, or any part thereof, or the construction meaning or effect of this Agreement or any part thereof, or anything herein contained, or the rights or liabilities of the parties, or their representatives, under this Agreement or otherwise, in relation to the premises, and if said matter cannot be settled by the parties hereto by negotiation, then every such dispute, difference or question shall be referred to a single arbitrator, if the parties agree upon one, otherwise to three arbitrators, one to be appointed by each party to the reference, and the third arbitrator to be a Judge of any County of the Province of Ontario and to be appointed by the parties hereto in writing before they enter upon the business of the reference. If either party shall refuse or neglect to appoint an arbitrator within thirty days after the other party shall have appointed an arbitrator, and shall have served a written notice upon the first mentioned party requiring such party to make such appointment, then the arbitrator first appointed shall, at the request of the party appointing him, proceed to hear and determine the matter in difference as if he were a single arbitrator appointed by both parties for the purpose, and the award or determination which shall be final and binding on the parties hereto their successors and assigns, and shall not be subject to appeal to any Court or Courts.

18. Matters relating to routes, rates and the efficient operation of the Company requiring a policy decision shall be referred to a standing committee of Council.

19. This agreement shall enure to the benefit of and be binding upon the parties hereto, their respective successors and assigns.

IN WITNESS WHEREOF the said parties hereto have hereunto affixed their Corporate seals attested by the hands of their proper signing officers in that behalf.

THE CORPORATION OF THE CITY OF PETERBOROUGH:

Mayor.

Clerk.

BORDER TRANSIT LIMITED:

President.

Secretary.

CHAPTER 202

**An Act respecting
Reliable Life Insurance Company**

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Reliable Life Insurance Company, herein- Preamble
after called the Company, hereby represents that it was
incorporated under the laws of the Province of Ontario by
letters patent bearing date December 11, 1963; and whereas
the Company desires to be continued under the jurisdiction
of the Parliament of Canada; and whereas the applicant
hereby applies for special legislation for such purposes; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subject to authorization by special resolution under *The* Application to Minister of Consumer and Corporate Affairs authorized
Corporations Act, the Company may apply to the Minister
of Consumer and Corporate Affairs of Canada for letters
patent continuing the Company as if it had been incorporated
under an Act of the Parliament of Canada and providing,
inter alia, that all rights and interests of the shareholders,
policyholders and creditors of the Company in, to or against
the property, rights and assets of the Company and all liens
upon the property, rights and assets of the Company are
unimpaired by such continuation.

2. Upon the issue of the letters patent referred to in Application of R.S.O. 1970, c. 89
section 1, the Company shall file with the Minister of Consumer
and Commercial Relations a notice of the issue of such letters
patent together with a copy of such letters patent certified
by the Department of Consumer and Corporate Affairs and
on and after the date of the filing of such notice, *The Corporations*
Act shall cease to apply to the Company.

3. The Minister of Consumer and Commercial Relations may, Certificate
on receipt by him of the notice and certified copy of the letters
patent referred to in section 2, issue a certificate to the
Company confirming the date of such filing.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Reliable Life Insurance Company Act, 1973*.

CHAPTER 203

An Act respecting S. B. Young Limited

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Stanley B. Young hereby represents that^{Preamble}
S. B. Young Limited, herein called the Corporation,
was incorporated by letters patent dated the 24th day of
December, 1957; that the Provincial Secretary by order
made under the authority of subsection 2 of section 326 of
The Corporations Act, being chapter 71 of the Revised
Statutes of Ontario, 1960, cancelled the letters patent of
the Corporation and declared it to be dissolved on the 8th
day of December, 1966; that Stanley B. Young was the
president and beneficial owner of all the issued and out-
standing shares of the Corporation at the time of its dissolu-
tion; that the notice of default in filing annual returns re-
quired by the said subsection 2 of section 326 of *The Cor-
porations Act* was not received by the applicant; that the
applicant was not aware of the dissolution of the Corporation
until more than two years after the date thereof; that the
Corporation at the time of its dissolution was and is now
carrying on the business authorized by its letters patent;
and whereas the applicant hereby applies for special legisla-
tion reviving the Corporation; and whereas it is expedient
to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. S. B. Young Limited, incorporated by letters patent<sup>S. B.
Young
Limited
revived</sup>
dated the 24th day of December, 1957, is hereby revived
and is, subject to any rights acquired by any person after
its dissolution, hereby restored to its legal position as a
company incorporated by letters patent, including all its
property, rights, privileges and franchises and subject to all
its liabilities, contracts, disabilities and debts as at the date
of dissolution in the same manner and to the same extent
as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal<sup>Commence-
ment</sup>
Assent.

3. This Act may be cited as *The S. B. Young Limited*^{Short title}
Act, 1973.

CHAPTER 204

An Act respecting the Township of Sarnia

*Assented to May 18th, 1973
Session Prorogued March 5, 1974*

WHEREAS The Corporation of the Township of Sarnia, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation may, without petition but on the report of its Engineer set forth as Schedule A hereto, by By-law authorizing drainage works
by-law approved by the Ontario Municipal Board, adopt the said report and undertake and complete the work provided for therein, hereinafter called the drainage works, in two stages as set forth in the said report, and all the provisions of *The Drainage Act* shall apply *mutatis mutandis* except R.S.O. 1970, c. 136
as otherwise provided in this Act or in the said report.

(2) The assessments upon lands shall be deemed to have been made under *The Drainage Act*. Assessments deemed made under R.S.O. 1970, c. 136

(3) The drainage works shall be deemed to have been undertaken in accordance with the provisions of section 3 of *The Drainage Act*. Application of R.S.O. 1970, c. 136, s. 3

(4) The said report when adopted by the said by-law shall be deemed to have been adopted in accordance with *The Drainage Act*. Report deemed adopted under R.S.O. 1970, c. 136

(5) The schedules to the said report form a part of the said report even though they are not included in Schedule A hereto. Schedules form part of report

(6) By by-law approved by the Ontario Municipal Board, the Corporation may amend the by-law passed under subsection 1 and may adopt a report of its Engineer amending a report adopted under this Act. Amendments to by-law

Passage of
by-law not
prevented by
appeals

2. A by-law may be passed under this Act before the time for any appeal under *The Drainage Act* has expired and if there is any appeal, before any appeal has been decided.

Non-appli-
cation of
R.S.O. 1970,
c. 136, s. 24,
(2, 3, 5, 6)

3.—(1) Subsections 2, 3, 5 and 6 of section 24 of *The Drainage Act* do not apply to a by-law passed pursuant to this Act.

Publication of
notice of
passage of
by-law

(2) When the by-law adopting the said report has been passed pursuant to section 1, there shall be published at least once a week for two consecutive weeks in a newspaper which in the opinion of the clerk has such circulation within the area affected by the by-law as to provide reasonable notice to those affected thereby a notice of the passing of the by-law and of the sitting of the court of revision and such notice shall state that amounts are assessed against lands and that the by-law and report and its assessment schedules may be examined in the clerk's office.

Mailing of
by-law, etc.,
not required

(3) Notwithstanding the provisions of section 29 of *The Drainage Act*, a copy of the by-law and a notice of the sitting of the court of revision need not be mailed to any owner of land.

Sittings of
court of
revision

(4) Notwithstanding the provisions of section 31 of *The Drainage Act*, the first sitting of the court of revision of the local municipality in which the lands and roads assessed are situate shall be held on a day not earlier than twenty days and not later than thirty days from the date of the last publication of the notice provided for in subsection 2.

Clerk to
alter
assessments

4. Notwithstanding the provisions of section 34 of *The Drainage Act*, any change in assessment made by the court of revision or by the judge shall be given effect to by the clerk of the local municipality altering the assessments and other parts of the schedule to comply therewith and sending notice thereof to the owners affected and the assessment schedules to the said report shall be altered to carry out any changes so made by the court of revision or by the judge.

Notice of
application to
O.M.B.

5. Notice of any application to the Ontario Municipal Board for any approval required under this Act may be given by publication thereof in a newspaper which in the opinion of the clerk has such circulation within the area affected by the by-law as to provide reasonable notice to those affected thereby in such form and manner as the Ontario Municipal Board may direct and need not be served on or sent to any person other than the persons set forth in subsection 1 of section 24 of *The Drainage Act*.

6. The by-law adopting the report and authorizing the work may be in Form 4 of *The Drainage Act*, but revised to give effect to the special provisions and powers of this Act. Form of by-law
R.S.O. 1970,
c. 136

7. Without limiting the generality of the provisions of *The Drainage Act* and of the said report relating to the items to be included in the costs of a drainage works, the following may be included in the cost of the drainage works: What may be included
in cost of
drainage
works

1. Engineering expenses.
2. Cost of publishing and service of notices.
3. Interest on temporary loans and on debentures.
4. Compensation for lands acquired or taken for the purposes of the drainage works or injuriously affected by it and the expenses incurred by the Corporation in connection with acquiring lands and determining compensation.
5. The estimated cost of the issue and sale of debentures and any discount allowed to the purchasers of them.

8. In addition to raising costs of the drainage works by the assessment method authorized in *The Drainage Act*, the Corporation may raise such part of the costs of the drainage works as the report specifies by a mill rate on the rateable property in the area described in Appendix 1 to the said report and any amount so levied on the rateable property shall be deemed charges and assessments and rates for a drainage works under *The Drainage Act*. Mill rate may be imposed
for part of
costs of
drainage
works

9. The provisions of sections 13, 14, 15 and 17 of *The Drainage Act* relating to the preparation and form of the assessment schedule and the right to appeal about assessment provided for in *The Drainage Act* shall not apply to the amount to be raised by a mill rate on rateable property. Non-appli-
cation of
R.S.O. 1970,
c. 136, ss. 13,
14, 15, 17

10. Sections 35, 36, 38 and 72 of *The Drainage Act* shall not apply to any by-law passed pursuant to this Act and to the drainage works undertaken pursuant to any such by-law and there shall be no right to appeal from the said report or with respect to the said drainage works. Idem,
ss. 35, 36, 38, 72

11. Upon the practical completion of each of the two stages of the drainage works provided for in the said report, a drainage works shall be considered to have been completed. When works
completed

12. The drainage works constructed under the terms hereof shall be maintained and improved in accordance with the provisions in the said report and of *The Drainage Act*. Maintenance

Conflict

13. The provisions of this Act shall apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act shall prevail.

Power to
acquire land

14. For the purposes of the drainage works authorized by this Act the Corporation may acquire or expropriate any land and may make any contracts relating to the said drainage works and matters incidental thereto.

Deemed
drainage
works under
R.S.O. 1970,
c. 136

15. The drainage works shall be deemed to be a drainage works constructed under a by-law passed under *The Drainage Act*.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. This Act may be cited as *The Township of Sarnia Act, 1973*.

SCHEDULE A

THE REEVE AND COUNCIL,
Township of Sarnia.

February 23, 1973.

Gentlemen:

In accordance with your authorization by a resolution dated November 13, 1972 we have completed an investigation relating to the drainage implications concerned with the construction of the proposed Telfer Diversion Channel and Pulse Creek Drain Diversion Channel. These joint projects are intended to be carried out in conjunction with the construction of the controlled access Highway 402 by the Ministry of Transportation and Communications. The proposed Telfer Diversion Channel is to be constructed in part during the Highway construction and completed at a later date. The proposed Pulse Creek Drain Diversion Channel is to be completed during the Highway construction.

The nature of the proposed Highway construction is such that large volumes of fill will be necessary. It is usual that the necessary fill material is obtained in borrow pits which, in level lands such as this area, would result in large areas being occupied by 10 to 12 foot deep holes with a highly undesirable impact on the environment. The Report for Sewerage and Drainage for the City of Sarnia and the Township of Sarnia dated February, 1969 by James F. McLaren Limited recommended that the rural flow from the Perch Drain, sometimes known locally as the Wawanosh Drain, be diverted northerly at the east side of 12/13 Sideroad to rejoin the Drain near its junction with the present Pulse Creek Drain in the Front Concession. This was recommended to provide a suitable outlet for the lands upstream from the proposed diversion and to avoid mixing the relatively clear rural flow with the often highly contaminated urban flow. The Perch Drain downstream from the proposed diversion will be draining an area in Sarnia Township described in Appendix I hereto which is developing in an urban manner. The anticipated runoff from the urban developing area will require some form of treatment before being discharged into Lake Huron.

It is obvious that these two projects (the construction of the Highway and the construction of the Telfer Diversion Channel) should be combined so that the acceptable fill material from the Diversion Channel will be available for use in the Highway construction. The material thus obtained would satisfy a substantial portion of the Highway needs without the necessity of defacing the landscape and also would construct for the Township the major portion of the Diversion Channel. These two projects being undertaken together now is desirable even though the Telfer Diversion Channel may not be required for some ten years.

Carrying one step further this consideration of reducing the number of borrow pits required, a diversion of the Pulse Creek Drain from its junction with the new Highway westerly into the proposed Telfer Diversion Channel would provide additional fill material and at the same time result in benefits to the Township in addition to the reduction of unsightly borrow pits. It has been estimated by the Ministry that nearly 90% of its fill requirements can be obtained from these two Diversion Channels. A conservative estimate of the long term savings for the Township by this construction now of part of the Telfer Diversion Channel is 1.5 million dollars.

The aforementioned considerations probably justify the scheme. However, certain secondary advantages would accrue to the Township by the undertaking of the Diversions. There are several drains which have been constructed or are being maintained under the provisions of *The Drainage Act* which would receive immediate benefit, with the lands upstream being provided with a more satisfactory outlet and the lands downstream benefiting by the cutting off of the continually increasing flow from the upstream lands. The latter point is particularly significant for the Telfer Diversion Channel since development in the London Road area would, in the foreseeable future result in many of the downstream structures on drains becoming inadequate as the flow rates increase due to changes in the land use. The Pulse Creek Drain Diversion Channel will result in similar benefits both upstream and downstream from the Highway. The Ministry of Transportation and Communications would be relieved of installing several structures through the new Highway which would be required to accommodate existing drains severed by the new Highway. Also the Ministry would benefit indirectly since it would normally be involved, in the form of grants, in the future reconstruction of many downstream structures on these drains which are either obsolete or would soon require replacement due to lack of capacity.

The primary purpose of this report is to deal with the implications of the proposals on the drains physically affected and those others which are tributary to the present Perch Drain and Pulse Creek Drain. While the major portion of the costs to be incurred by the Township for the Telfer Diversion Channel is to be borne by the rateable property in the urban developing area which is in fact creating the need for the diversion, there are certain costs to be incurred which are directly related to improvements to intercepted drains which should properly be assessed to those lands affected. Also, the Pulse Creek Drain Diversion Channel, which is unrelated to the urban development, will result in substantial benefits to the tributary lands and costs incurred with respect to this Channel should be the responsibility of the lands in the drainage area involved. Maintenance of these drains in their new forms can no longer be strictly related to previous drainage by-laws and therefore this report must also deal with maintenance.

It is proposed at this time to obtain all the land required for the two diversion channels, to construct the Pulse Creek Drain Diversion Channel utilizing the fill material for Highway purposes and to excavate the section of the Telfer Diversion Channel north of Highway 7 to the extent that suitable fill material is available for the Highway purposes. In view of the varying levels of acceptable fill material throughout it will be necessary to construct a relatively small auxiliary channel in the bottom of the Telfer Diversion Channel excavation through materials unacceptable for the Highway purposes in order to properly drain the larger excavation. This work will also involve the installation of bridge structures at the Airport Road, Highway 402, the Jackson Road, and Michigan Avenue together with an inlet works where the Pulse Creek Drain Diversion Channel meets the Telfer Diversion Channel. It is anticipated that the Township and the Ministry will enter into a Contract making all of the work described above in this paragraph and the costs of the land acquisition north of the London Road the responsibility of the Ministry of Transportation and Communications. Drawings which will be furnished if the work is to proceed will outline the work to be done at the present time as well as the form of the final channels. All other costs involved in the implementation of the present work and the final channels, excepting the bridge structure at the London Road, shall be the responsibility of the Township of Sarnia. The decision as to the time of completing the second stage of the Telfer Diversion Channel project shall be made by the Township when the extent of urban development dictates.

It is proposed that the Storey Drain which is located to the west of the proposed Telfer Diversion Channel be diverted into that Diversion Channel by means of an open channel abutting the south limit of Highway 402 and proceeding easterly from the Storey Drain into the said Diversion Channel. Since the excavated material from this work will be available to the Ministry for highway purposes, it is proposed to undertake this minor Diversion Channel on the same basis as the major Diversion Channels. There will, however, be costs incurred at the entrances of the aforementioned open channel and the Pollard, Hind, Rooney, Pulse Creek and Luckins Drains into the new Diversion Channels. In view of the resulting benefits to these drains both upstream and down, it is proposed that these costs be borne by the individual drainage areas affected. In this connection since the Broughton Drain will be benefited by the Pollard Drain improvements and the construction of the Telfer Diversion Channel, the Broughton Drain area should be so assessed. Included in the assessment against the Pulse Creek Drain area are all costs, in connection with the construction of the Pulse Creek Diversion Channel not otherwise provided for since this channel is not related to the separation of the rural and urban flows. All costs relating to the Telfer Diversion Channel project to be borne by the Township and not otherwise provided for shall be assessed against the rateable property in the urban developing area described in Appendix I hereto. This work shall be done and the drains and Channels operated and maintained pursuant to *The Drainage Act* except to the extent otherwise provided for in the special legislation enabling the Township to undertake this work. Cost estimates of the work relating to these drains, plans, profiles, specifications for the work, and assessment schedules for the individual drainage areas are supplements to this report.

The makeup of the tributary areas of the present Perch Drain and Pulse Creek Drain will change upon the completion of each stage of this scheme. Therefore the maintenance responsibilities for the existing drains and new channels must be established. Maintenance schedules will be prepared setting out these responsibilities with Schedule "A" relating to the maintenance of the Telfer Diversion Channel prior to the completion of both stages, Schedule "B" relating to the maintenance of the Pulse Creek Drain Diversion Channel, and Schedule "C" relating to the maintenance of the Telfer Diversion Channel after completion of both stages. Schedule "C" at that time shall also apply to maintenance downstream on the Perch Drain from the north end of the Telfer Diversion Channel to Lake Huron, but in this case, the lands tributary to those parts of the present Perch Drain and Pulse Creek Drain not being diverted shall contribute 1/3 of any costs incurred in the said maintenance with the Pulse Creek Drain lands downstream from the Pulse Creek Drain Diversion Channel contributing 10% of this amount. The existing Perch Drain shall be maintained prior to the completion of the Telfer Diversion Channel system as provided in By-law #19 of 1969 except that those lands assessed to the Storey, Pollard, Broughton, and Hind Drains south of the Telfer Diversion Channel and the Luckins Drain east of the Telfer Diversion Channel shall not be assessed. Except as otherwise provided in this report and any supplements to it the existing Pulse Creek Drain shall be maintained as provided in By-law #34 of 1972 except that those lands tributary to the Rooney Drain south of the Pulse Creek Drain Diversion Channel shall not be assessed. All the drains intercepted by the Diversion Channel except the Pulse Creek Drain shall be maintained as provided in the assessment schedules which are supplements to this report. With respect to any drain intercepted by the Diversion Channels, maintenance work on such drain downstream from a Diversion Channel shall not be charged to lands tributary to that drain upstream from the Diversion Channel and maintenance work on such drain upstream from the Diversion Channel shall not be charged to lands tributary to that drain downstream from the Diversion Channel. In each case the assessment for the Ministry of Transportation and Communications shall be reduced by one-half.

Upon the completion of stage 2 of the Telfer Diversion Channel project the remaining lands tributary to the Perch Drain and not discharging into the Telfer Diversion Channel shall be responsible for maintaining the Perch Drain downstream from the south end of the Telfer Diversion Channel to the north end of the Telfer Diversion Channel as provided in the aforementioned By-law #19 of 1968. These proportions shall also apply to the heretofore stipulated share of maintenance work on the Perch Drain downstream from the north end of the Telfer Diversion Channel. Upstream from the south end of the Telfer Diversion Channel, the Perch Drain shall be maintained as provided in the last relevant by-law for the section to be maintained with only lands abutting the maintenance work and upstream being assessed.

All of the provisions for maintenance set out under this report shall remain in force until such time as they are altered under the provision of the then current *Drainage Act* of Ontario.

The work provided for by this report is conditional upon and is only to be undertaken if the Minister of Transportation and Communications and the Township enter into a Contract setting out the work and costs for which the Minister will be responsible.

Yours respectfully,

For:

Monteith-Ingram Engineering Limited,
Consulting Engineers,
Petrolia, Ontario.

APPENDIX I

DESCRIPTION OF AREA DESIGNATED FOR
URBAN DEVELOPMENT

COMMENCING at the point of intersection of the water's edge of Lake Huron with the westerly limit of the Township of Sarnia;

THENCE northeasterly along the water's edge of Lake Huron to where the same is intersected by the line between Lots 49 and 50, Front Concession;

THENCE southerly along the said line between Lots 49 and 50 [partly running approximately parallel with the easterly limit of Mater Drive and easterly therefrom at a perpendicular distance of approximately two hundred and fifty-six feet (256')] to where the same is intersected by the westerly limit of the Canadian National Railway's Right-of-way (Stratford Branch);

THENCE southerly along the said westerly limit of the Canadian National Railway Right-of-way to where the same is intersected by a line drawn parallel with and perpendicularly distant two hundred feet (200') northerly from the southerly limit of Concession 7, being also the northerly limit of Exmouth Street;

THENCE easterly along the last-mentioned line drawn parallel with the said southerly limit of Concession 7 to where the same is intersected by a line drawn parallel with and perpendicularly distant two hundred and ten feet (210') westerly from the original westerly limit of Modeland Road as shown on Deposited Plan Number 883, Plans and Profiles;

THENCE northerly along the last mentioned line drawn parallel with the said original westerly limit of Modeland Road to where the same is intersected by a line and the westerly production thereof drawn parallel with and perpendicularly distant six hundred and sixty feet (660') northerly from the centre line of construction of the King's Highway Number 7 in front of Lots 13 and 14, Concessions 6 and 7 as shown on Deposited Plan Number 427, Plans and Profiles;

THENCE easterly along the last mentioned line drawn parallel with the said centre line of construction to where the same is intersected by the westerly limit of Lot 12, Concession 7, being also the easterly limit of Blackwell Sideroad;

THENCE southerly along the said westerly limit of Lot 12 to where the same is intersected by the northerly limit of the King's Highway Number 7 as widened by Deposited Plan Number 431, Plans and Profiles;

THENCE south-easterly and easterly along the said northerly limit of the King's Highway Number 7 to where the same is intersected by the easterly limit of Lot 12, Concession 7;

THENCE southerly along the easterly limit of said Lot 12 to the south-east corner of said Lot;

THENCE southerly in a straight line to the north-east corner of Lot 12, Concession 6;

THENCE southerly along the easterly limit of Lot 12, Concession 6 to where the same is intersected by a line and the easterly production thereof drawn parallel with and perpendicularly distant six hundred and sixty feet (660') southerly from the said centre line of construction of the King's

Highway Number 7 in front of Lots 13 and 14, Concessions 6 and 7 as shown on Deposited Plan Number 427, Plans and Profiles;

THENCE westerly along the last mentioned line drawn parallel with the said centre line of construction to where the same is intersected by the line between the east and west halves of Lot 14, Concession 6;

THENCE southerly along the lines between the east and west halves of Lot 14, Concessions 6 and 5 to where the same is intersected by the line between the north and south halves of Lot 14, Concession 5;

THENCE westerly along the said line between the north and south halves of Lot 14, Concession 5 to where the same is intersected by the line between Lots 14 and 15, Concession 5;

THENCE southerly along the line between Lots 14 and 15, Concession 5 to the south-east corner of said Lot 15;

THENCE southerly in a straight line to the north-east corner of Lot 15, Concession 4;

THENCE southerly along the line between Lots 14 and 15, Concession 4 to where the same is intersected by a line drawn parallel with and perpendicularly distant three hundred feet (300') southerly from the northerly limit of Concession 4, being also the southerly limit of Confederation Street;

THENCE westerly along the last mentioned line drawn parallel with the said northerly limit of Concession 4 to where the same is intersected by a line drawn parallel with and perpendicularly distant three hundred feet (300') easterly from the most easterly limit of Modeland Road as shown on Deposited Plan Number 890, Plans and Profiles;

THENCE southerly along the last mentioned line drawn parallel with the said most easterly limit of Modeland Road to where the same is intersected by a line drawn parallel with and perpendicularly distant three hundred and ten feet (310') southerly from the northerly limit of Lot 15, Concession 2;

THENCE westerly along the last mentioned line drawn parallel with the said northerly limit of Lot 15 and the westerly production thereof to where the same is intersected by a line drawn parallel with and perpendicularly distant three hundred feet (300') southerly from the most southerly limit of Churchill Road as shown on Deposited Plan Number 889, Plans and Profiles;

THENCE continuing westerly along the last mentioned line drawn parallel with the said most southerly limit of Churchill Road to where the same is intersected by the westerly limit of the Township of Sarnia;

THENCE northerly, easterly and northerly along the westerly limit of the said Township of Sarnia to the point of commencement.

CHAPTER 205

An Act respecting the City of Sault Ste. Marie*Assented to May 18th, 1973**Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the City of Sault Ste. Marie, Preamble
 herein called the Corporation, hereby applies for special legis-
 lation in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the
 Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The City of Sault Ste. Marie Act, 1968*, being s. 3,
 chapter 174, is repealed and the following substituted therefor: re-enacted

3. The council of the Corporation shall be deemed to be a Opening up
 council within the meaning of subsection 1 of section 465 of highways
The Municipal Act with respect to the geographic townships where
 of Korah, Tarentorus, Parke and Awenge within the City of 5 per cent
 Sault Ste. Marie. reserved
R.S.O. 1970,
c. 284

2. The council of the Corporation may pass by-laws,

By-laws to
 regulate
 stripping of
 top soil

- (a) regulating the stripping of top soil from land in the municipality;
- (b) where top soil has been stripped from land, requiring the owners of such land to rehabilitate the land by,
 - (i) replacing top soil in sufficient quantity and depth to raise and maintain a healthy growth of vegetation adequate to bind the soil and to prevent erosion, or
 - (ii) planting with trees, shrubs, legumes or grasses, or both;
- (c) providing that rehabilitation of the land be carried out and maintained by the owner of the land at his risk and expense to the satisfaction of the municipality, and that in default of the owner carrying out

or maintaining the rehabilitation, the municipality, after notice to the owner, may enter upon and rehabilitate the land at the expense of the owner ; and

(d) providing that when the municipality carries out the rehabilitation, it may add the cost to the collector's roll and collect the cost in the same manner as municipal taxes.

Postpone-
ment of
special
charges to
provide
additional
sewer or water
supply
capacity
R.S.O. 1970,
c. 284

3.—(1) Where the council of the Corporation has passed by-laws with the approval of the Ontario Municipal Board under section 359 of *The Municipal Act*, the council may by by-law postpone the payment of special charges imposed by the by-law on the owners of buildings erected outside the urban service area established by Ontario Municipal Board Order Number N. 4803-63 (Part 2) until such time as the urban service area is enlarged by order of the Ontario Municipal Board, or is otherwise lawfully enlarged.

Refunds and
reimposition
of special
charges

(2) The council may by by-law authorize the refund of any special charges paid by the owners of buildings erected outside the urban service area until the urban service area is enlarged to include those buildings and then the council may, in the year following the enlargement, again impose the special charge or charges on the owners of those buildings.

Charges
may be lien
on land

(3) Any by-law passed under this section may provide that the charge or charges postponed or imposed under it are a lien upon the land on which the building is erected, and may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of real property taxes.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Sault Ste. Marie Act, 1973*.

CHAPTER 206

An Act respecting the Borough of Scarborough

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the Borough of Scar- Preamble
borough, herein called the Corporation, hereby applies
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding paragraph 101 of subsection 1 of Power to
section 354 of *The Municipal Act*, the Corporation may require require
the entering into of agreements with the Corporation by any agreements
person or persons for such consideration and upon such respecting
terms and conditions as may be agreed in respect of any or all transmission
of the matters which by the said paragraph the council of the poles, wires,
Corporation may by by-law authorize and regulate. etc.
R.S.O. 1970,
c. 284

2. The council of the Corporation may pass by-laws pro- Clearing
viding that the Corporation may at its own expense clear away and removal
and remove snow and ice from the sidewalks on the high- of snow
ways in front of, alongside or at the rear of buildings occupied and ice
by residents sixty-five years of age or over, or by any other
class or classes of persons.

3. This Act comes into force on the day it receives Royal Commence-
Assent. ment

4. This Act may be cited as *The Borough of Scarborough Act*, Short title
1973.

CHAPTER 207

An Act respecting Service Hardware Limited

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Frank Louis Sloan, Joseph John Homer and Stella Homer hereby represent that Service Hardware Limited, herein called the Corporation, was incorporated by letters patent dated the 7th day of October, 1949; that the Provincial Secretary by order made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation and declared it to be dissolved on the 13th day of May, 1965; that the applicants were all the directors and holders of all the common shares of the Corporation at the time of the said dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act*, although sent to each of the applicants as directors, was not received by any of them, and none of them were aware of the dissolution of the Corporation until more than one year after the date thereof; that the Corporation was carrying on, at the time of its dissolution, active commercial business; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Service Hardware Limited, incorporated by letters patent dated the 7th day of October, 1949, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved. Service
Hardware
Limited
revived

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Service Hardware Limited Act, 1973*. Short title

CHAPTER 208

**An Act respecting
Simcoe & Erie General Insurance Company**

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Simcoe & Erie General Insurance Company, Preamble
hereinafter called the Company, hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent bearing date February 26, 1959; and whereas by supplementary letters patent bearing date December 31, 1971 the capital structure of the Company was amended; and whereas the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to authorization by special resolution under *The Corporations Act*, the Company may apply to the Minister of Consumer and Corporate Affairs of Canada for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing, *inter alia*, that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation. Application to Minister of Consumer and Corporate Affairs authorized

2. Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of such letters patent together with a copy of such letters patent certified by the Department of Consumer and Corporate Affairs and on and after the date of the filing of such notice, *The Corporations Act* shall cease to apply to the Company. Application of R.S.O. 1970, c. 89

3. The Minister of Consumer and Commercial Relations Certificate may, on receipt by him of the notice and certified copy of the letters patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Simcoe & Erie General Insurance Company Act, 1973.*

CHAPTER 209

An Act respecting the City of St. Thomas

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the City of St. Thomas ^{Preamble} hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The lands described in the Schedule hereto, ^{Lands vested in City} heretofore granted to The Corporation of the Town of St. Thomas, its successors and assigns, by the late Edward Horton, Barrister-at-Law, by Deed dated the 20th day of February, 1878, and registered in the Registry Office for the Registry Division of the County of Elgin on the 9th day of January, 1879, as Number 6627 for St. Thomas, so long as they should use same for a Market with reversion of same to his heirs or assigns whenever the said Corporation, its successors or assigns should cease to use same for a market ground, are hereby vested in The Corporation of the City of St. Thomas in fee simple clear of and free from all right, title and interest other than that of the said Corporation.

(2) The trusts and restrictions created by the said instrument ^{Trusts, etc., annulled} Number 6627 are hereby annulled.

2. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

3. This Act may be cited as *The City of St. Thomas Act*, ^{Short title} 1973.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of St. Thomas, in the County of Elgin and Province of Ontario, being part of the block marked "Horton Market" as shown on Registered Plan Number 115, containing by admeasurement two acres and three-quarters of an acre be the same more or less, being composed of part of Lot Number 49 on the north side of Talbot Street,

otherwise known as Lot Number 4 in the Ninth Concession of the Township of Yarmouth surveyed and laid out into Town Lots by Daniel Hanvey, P.L.S., for Messrs. Horton, Yarwood, Hughes and Kains and the lots or parcels of land hereby conveyed or intended so to be are designated on a plan of the Village of Millersburg made by John D. Baikie, P.L.S., for the Corporation of the Township of Yarmouth registered in the Registry Office of the County of Elgin as parts of Blocks "F" and "G" and part of Town Lot Number 10 on the south side of Celestine Street on the said Plan and the parcel of land hereby conveyed or intended so to be is bounded as follows, viz:

COMMENCING at a point in the northerly limit of Talbot Street which is westerly one hundred feet (100') from the southeast angle of said Lot Number 4; thence northerly parallel with the side line between Lots Numbers 4 and 5, seven hundred and ninety feet and six inches (790'6"), more or less, to the southerly limit of Kains Street; thence westerly along the southerly limit of Kains Street, sixty-four feet (64'); thence southerly parallel with the eastern limit of said Lot, one hundred and twenty feet (120'); thence westerly parallel with Kains Street, eighty feet (80'); thence southerly parallel with the said east limit of said Lot, one hundred and forty-one feet and eight inches (141'8"), more or less, to the northerly limit of Celestine Street produced; thence westerly along the northerly limit of Celestine Street produced, twenty feet (20'), more or less, to the southeast angle of Lot Number 17 on said Plan; thence southerly across the easterly end of Celestine Street sixty-six feet (66'); thence westerly along the southerly limit of Celestine Street, thirty-two feet and six inches (32'6"); thence southerly parallel with the east limit of said Lot lengthwise of Town Lot Number 10 and Block letter "F" on said Plan, three hundred and eleven feet and six inches (311'6"), more or less, to a point one hundred and twenty feet (120') north of the north limit of Talbot Street; thence easterly parallel with the north limit of Talbot Street, one hundred and thirty-two feet and six inches (132'6"), more or less, to a point one hundred and sixty-four feet (164') west from the east limit of said Lot; thence southerly parallel with the eastern limit of said Lot, one hundred and twenty feet (120') to the north limit of Talbot Street; thence easterly along the north limit of Talbot Street, sixty-four feet (64') to the place of beginning.

CHAPTER 210

**An Act respecting
The Tillson Spur Line Railway Company**

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Tillson Spur Line Railway Company, Preamble
herein called the Company, hereby represents that it is a body corporate under the laws of the Province of Ontario, incorporated on the 4th day of May, 1891, by the Statutes of Ontario, 1891, chapter 95, for the purpose of constructing and operating a short connecting spur railway line in the Town of Tillsonburg; and whereas the Company has disposed of all its assets, effects and properties, real and personal and is now inoperative; and whereas the applicant hereby applies to have the Company dissolved; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Tillson Spur Line Railway Company is hereby dissolved. Tillson Spur
Line Railway
Co. dissolved

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Tillson Spur Line Railway Company Act, 1973*. Short title

CHAPTER 211

**An Act respecting
the Town of Tillsonburg**

*Assented to April 27th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the Town of Tillsonburg Preamble
hereby represents that it is desirous of establishing a
Parks, Community Centre and Recreation Commission for the
better development and supervision of its public parks, its
recreation facilities and its community centre or centres and
for such purposes to charge the Commission with the duties
and responsibilities and give it the powers and privileges of
the Tillsonburg Board of Arena and Parks Management,
established under *The Public Parks Act* and *The Community* R.S.O. 1970,
cc. 384, 73,
111
Centres Act, and of the Tillsonburg Recreation Commission,
established under *The Department of Education Act*; and
whereas the applicant hereby applies for special legislation
in respect of such matters; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Commission" means The Tillsonburg Parks, Community Centre and Recreation Commission;
- (b) "council" means the council of the Town;
- (c) "Town" means The Corporation of the Town of Tillsonburg.

2.—(1) Notwithstanding *The Ministry of Community and Social Services Act*, *The Public Parks Act* and *The Community Centres Act*, there shall be a commission which shall be known as The Tillsonburg Parks, Community Centre and Recreation Commission, and shall be composed of,

Parks,
Community
Centre and
Recreation
Commission
established

- (a) the head of the council;

(b) two members of council to be appointed by the council; and

(c) six other persons appointed by the council who shall be qualified electors of the Town but not members of council.

Substitute
for head of
council

(2) The head of the council, with the approval of council, may annually appoint a substitute, who is a member of the council, to act for him.

Term of
office

(3) The members of the Commission who are not members of the council shall hold office for three years, provided that, on the first appointment, the council shall designate which member shall hold office,

(a) until the 1st day of January of the year next following the date of his appointment;

(b) until the 1st day of January of the second year next following the date of his appointment; and

(c) until the 1st day of January of the third year next following the date of his appointment,

respectively, so that one-third of such members shall retire each year.

Appointment
of council
members

(4) The members of the Commission who are members of council shall be appointed biennially to correspond with their term of office.

Reappoint-
ment

(5) The members of the Commission shall hold office until their successors are appointed, and are eligible for reappointment.

Vacancy

(6) Where a member ceases to be a member of the Commission before the expiration of his term of office, the council shall appoint another eligible person for the unexpired portion of that term.

When
appointments
to be made

(7) The first appointments of members of the Commission shall be made by the council immediately upon the coming into force of this Act, and thereafter the appointments shall be made annually at the first meeting of the council in any year, and any vacancy arising from any cause other than the expiration of the term for which the member was appointed shall be filled at the first meeting of the council held after the vacancy occurs.

(8) A majority of the members of the Commission constitutes a quorum.

(9) At its first meeting in every year, the Commission shall elect a chairman and a vice-chairman from among the members of the Commission, and in the absence of the chairman, the vice-chairman shall preside and the Commission shall appoint a secretary, who may, but need not, be a member of the Commission.

(10) The chairman, vice-chairman and secretary shall hold office at the pleasure of the Commission or for such a period as the Commission may prescribe.

(11) When the chairman, vice-chairman or secretary is absent or unable to act, the Commission may appoint a chairman or secretary *pro tempore*.

(12) The Commission may engage such employees and consultants as it deems expedient.

(13) The Treasurer of the Town shall be the treasurer of the Commission.

3. Except as otherwise provided in this Act, *The Ministry of Community and Social Services Act* and the regulations made thereunder, *The Community Centres Act* and the regulations made thereunder and *The Public Parks Act*, except the provisions constituting a Board of Park Management as a corporation and authorizing such a Board to acquire and hold land, apply to the Commission as if it had been established in accordance with such Acts and regulations.

4.—(1) When the first members of the Commission have been appointed, The Tillsonburg Board of Arena and Parks Management and the Tillsonburg Recreation Commission are dissolved, and the assets and liabilities thereof become the assets and liabilities of the Town.

(2) All by-laws hereinbefore passed in so far as they are inconsistent with the provisions of this Act are hereby repealed or amended so as to give full force and effect to this Act.

5. The Commission may contract and may sue and be sued in its own name, and the members thereof are not personally liable for torts committed by other members of the Commission or its servants or agents or on any contract made by the Commission.

6.—(1) The Commission shall, on or before the 15th day of February in each year, submit to the council an itemized

R.S.O. 1970,
c. 384

estimate of its financial requirements for the year, and, subject to the provisions of *The Public Parks Act*, the council may amend such estimate and shall pay out of the moneys appropriated for the Commission such amounts as may be requisitioned from time to time by the Commission.

Application
of moneys
for desig-
nated purpose

(2) Where any moneys have been included in the estimates of the Commission for a designated purpose, they shall be used by the Commission only for such designated purpose and not otherwise.

Powers and
duties of
Commission

7. The Commission shall operate, maintain, manage and develop on behalf of the Town all recreational centres, parks, playgrounds and other real property of a like nature vested in or leased by the Town and used or designed for recreational purposes and shall be in charge of, manage and make available for recreational purposes all recreational equipment, recreational facilities and other personal property belonging to the Town and used or designed for recreational purposes.

Idem

R.S.O. 1970,
c. 73

8. The Commission shall operate, maintain and manage on behalf of the Town all properties which are now or which may hereafter be established as community centres pursuant to *The Community Centres Act*, or the regulations made thereunder.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Town of Tillsonburg Act, 1973*.

CHAPTER 212

**An Act respecting
Timrand Investments Limited**

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS Steve Agh hereby represents that Timrand Investments Limited, herein called the Corporation, was incorporated by letters patent dated the 3rd day of September, 1957; that the Minister of Financial and Commercial Affairs by order dated the 10th day of November, 1970, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 16th day of December, 1970; that the applicant was a director and the holder of the common shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act*, although sent to the applicant as director, was not received by him and he was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was and is now carrying on active business; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Timrand Investments Limited, incorporated by letters patent dated the 3rd day of September, 1957, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts in the same manner and to the same extent as if it had not been dissolved. Timrand Investments Limited revived
2. The name of the Corporation is hereby changed from Timrand Investments Limited to Timrand Holdings Limited. Change of name to Timrand Holdings Limited
3. The change in the name of the Corporation does not affect its rights or obligations. Change not to affect rights, etc.

1570 Chap. 212 TIMRAND INVESTMENTS LIMITED 1973

Commence- 4. This Act comes into force on the day it receives Royal
ment Assent.

Short title 5. This Act may be cited as *The Timrand Investments
Limited Act, 1973.*

CHAPTER 213

An Act respecting the City of Toronto

Assented to June 22nd, 1973
Session Prorogued March 5th, 1974

WHEREAS The Corporation of the City of Toronto, herein^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The City of Toronto Act*,^{s. 4 (1), amended} 1935, being chapter 96, is amended by striking out “not exceeding in the aggregate \$100,000 in any one year” in the third and fourth lines and inserting in lieu thereof “as it may determine”.

2.—(1) The council of the Corporation may pass by-laws^{Power to make by-laws respecting Nathan Phillips Square} for the use, regulation, protection and government of Nathan Phillips Square.

(2) A by-law passed under the authority of this section^{Penalty} shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act* and any such^{R.S.O. 1970, c. 284} by-law may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes the provisions of such by-law.

3.—(1) Notwithstanding *The Municipal Act* and sub-^{Filling vacancy in office of alderman by election}ject to subsection 3, where a vacancy on the council of the Corporation occurs in the office of alderman, an election shall be held to fill the vacancy and the clerk of the Corporation shall hold a new election to fill the vacancy in^{R.S.O. 1970, c. 284 1972, c. 95} accordance with section 90 of *The Municipal Elections Act*, 1972.

(2) Subject to subsection 3, where a direction is given^{Idem} in any judicial proceedings to hold an election to fill a vacancy in the office of alderman, the clerk of the Corporation shall hold a new election to fill the vacancy in accordance with section 90 of *The Municipal Elections Act*, 1972.

Vacancy
after
March 31st
in election
year

(3) Where a vacancy occurs on the council of the Corporation in the office of alderman after the 31st day of March of an election year the vacancy shall not be filled.

Filling
vacancy in
office of
mayor
R.S.O. 1970,
c. 284

4. Notwithstanding *The Municipal Act* and except where a direction is given in any judicial proceedings to hold an election to fill a vacancy in the office of mayor, where a vacancy occurs in the office of mayor a new election shall not be held and the procedure set out in section 44 of *The Municipal Act* applies.

s. 2,
repealed

5. Section 2 of *The City of Toronto Act, 1968-69*, being chapter 167, is repealed.

By-laws
respecting
devices in
highways

6.—(1) The council of the Corporation may by by-law,

- (a) designate any highway or portion of a highway under its jurisdiction as a speed control zone;
- (b) install or authorize the installation of a device or devices in any part of the roadway in a speed control zone so as to alter its surface; and
- (c) provide for the marking of any speed control zone by a sign or signs and provide for the placing thereof.

Contents

(2) A by-law passed under this section shall contain,

- (a) a description of the device or devices authorized to be installed;
- (b) a description of the sign or signs authorized and the location thereof; and
- (c) provision for the marking of any speed control zone by a sign or signs and provision for the placing thereof.

When
effective

(3) No by-law passed under this section becomes effective until the consent of the Minister of Transportation and Communications is endorsed on the by-law.

Exemption
from
liability

(4) Notwithstanding any general or special Act, where a by-law passed under this section is in effect, no liability attaches to the Corporation by reason of the passing of the by-law or any thing done pursuant to it, provided that nothing in this section shall absolve the Corporation from liability for negligence.

Alternate
for mayor
as member
of boards,
etc.

7. Notwithstanding any general or special Act, the council of the Corporation may by by-law, passed with the written

consent of the mayor, appoint a member of the council to act as an alternate to the mayor and in his place and stead at any meeting which the mayor does not, for any reason, wish to attend of any board, commission or other body of which the mayor is a member, except the council of The Municipality of Metropolitan Toronto, the executive committee of The Municipality of Metropolitan Toronto or any board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of The Municipality of Metropolitan Toronto.

8. The Corporation may by by-law grant to the widow, Pecuniary aid for widow and children of deceased employee until death or remarriage, and children or any of them of the late Ray Alfred Blows who was at the time of his death on September 25, 1972, in the employ of the Corporation as a labourer, pecuniary aid from the date of his death in an amount which, together with amounts received by way of pension under any by-law of the Corporation, under *The Workmen's Compensation Act*, or under the Canada Pension Plan produces R.S.O. 1970, c. 505 a combined annual income of \$6,000.

9. Clauses *a* and *d* of subsection 1 of section 3 of *The City of Toronto Act, 1960-61*, being chapter 137, are repealed s. 3 (1) (a, d), re-enacted and the following substituted therefor:

(a) allow the parking of motor vehicles, or any class or classes thereof, on designated public highways or parts of highways during specified hours to the owners of such vehicles pursuant to permits issued by an official named in the by-law; By-laws respecting permit parking

.

(d) prohibit the parking of all motor vehicles on such designated public highways or parts of highways during such specified hours except with a permit issued pursuant to the by-law.

10.—(1) Subsection 2 of section 6 of *The City of Toronto Act, 1936*, being chapter 84, as re-enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by adding thereto the following clauses: s. 6 (2), amended

(f) for directing and ordering any occupant of a dwelling referred to in an order served in accordance with this section to pay his rent thereafter to the inspector to be deposited with the City Treasurer in trust until the order as confirmed or modified is complied with and for providing that the said

rent so held as aforesaid may be paid to the owner entitled to receive it in the event the order is complied with, or in the alternative that such rent shall be applied by the Corporation to reduce any amount expended or to be expended by the Corporation pursuant to any power conferred by this section;

- (g) for prohibiting, during any period of time when an order as confirmed or modified is in effect, any owner from increasing the rents applicable at the date of the enactment of such by-law to such dwelling and prohibiting eviction of any occupant of such dwelling unless such eviction is ordered by the inspector.

s. 6 (4),
amended

(2) Subsection 4 of the said section 6, as re-enacted by the Statutes of Ontario, 1971, chapter 130, section 3, is amended by striking out "but which shall not exceed 6½ per cent per annum" in the fifth and sixth lines.

s. 6,
amended

11.—(1) Section 6 of *The City of Toronto Act, 1971*, being chapter 130, is amended by adding at the end thereof "and their spouses and children".

s. 16,
amended

(2) Section 16 of the said Act is amended by adding thereto the following subsections:

Registration
of agreement

(5) Any agreement entered into by the Corporation and the owner or owners of land pursuant to subsection 1 may be registered in the appropriate land registry office against the land and the Corporation shall be entitled to enforce the provisions thereof against the owner and, if registered, against any and all subsequent owners of the land.

Agreements
relating to
certain lands

(6) The Board of Education for the City of Toronto, and Metropolitan Separate School Board, may each enter into agreements with any person relating to the development or redevelopment of any lands described in Schedule B hereto to ensure that adequate school facilities will be provided therein, and any agreement entered into by either of such Boards and the owner or owners of the land may be registered in the appropriate land registry office against the land, and each of such Boards shall be entitled to enforce the provisions thereof against the owner and, if registered, against any and all subsequent owners of the land.

Indemnifica-
tion by
Corporation

12. The Corporation shall indemnify and save harmless any member or representative of a member of The Benefit Fund Committee administering the Toronto Fire Department Superannuation and Benefit Fund and The Toronto

Civic Employees' Pension Committee from any loss, costs, damages or expenses arising out of or in any way connected with his being a member or representative of such member of either of such committees and shall defend any such member or representative of any such member in respect of the foregoing, provided that the Corporation shall not indemnify or save harmless any such member or representative of such member guilty of fraud or deliberate breach of trust.

13. This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}

14. This Act may be cited as *The City of Toronto Act, 1973*.^{Short title}

CHAPTER 214

An Act respecting the City of Windsor

*Assented to May 18th, 1973
Session Prorogued March 5th, 1974*

WHEREAS The Corporation of the City of Windsor, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of the Corporation may, by by-law, au- Investment of
moneys
thorize the treasurer of the Corporation to invest moneys not
immediately required for the purposes of the Corporation
with any other Ontario municipality or local board or com-
mission of the City of Windsor or any other Ontario munici-
pality and generally under terms provided for by section 312
of *The Municipal Act*. R.S.O. 1970,
c. 284

2. The council of the Corporation may, by resolution, au- Investment of
funds for
capital
projects
thorize and empower the treasurer of the Corporation to invest
funds of the Corporation, not immediately required, for the
purpose of interim financing of capital projects.

3. The council of the Corporation may, by by-law, au- Investment
of reserve
funds
thorize the treasurer of the Corporation, in addition to the
powers contained in section 308 of *The Municipal Act*, to
invest reserve funds in the general fund of the municipality,
subject to the following:

1. Not more than 50 per cent of the total reserve funds
may be so invested at any one time.
2. A rate of interest equal to the interest paid by the
City of Windsor on its temporary borrowings shall
be paid to the reserve funds from which the tem-
porary borrowing was made.

4.—(1) All property and all interests in property, both Vesting
and transfer
of title
real and personal, including but not limited to the lands,

1946, c. 145
R.S.O. 1970,
c. 89

assets, buildings, fixtures and equipment of The Metropolitan General Hospital, herein called the Hospital, a body corporate and politic, established pursuant to the provisions of *The City of Windsor Act, 1946*, are transferred to and vested in The Metropolitan General Hospital, a corporation without share capital, incorporated by letters patent under *The Corporations Act*.

Idem
R.S.O. 1970,
cc. 409, 234, 44

(2) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting the title to property, it shall be sufficient to cite this Act as effecting the vesting in and the conveyance, transfer or transmission of title from the Hospital to The Metropolitan General Hospital of real or personal property or of an interest in real or personal property.

Liabilities

(3) All liabilities, debts and obligations of the Hospital attach to The Metropolitan General Hospital and may be enforced against it.

Contracts

5. The Metropolitan General Hospital shall be bound by and enjoy all rights and privileges under any contract existing before this Act comes into force that has the Hospital as a contracting party to the same extent as though named therein either as a contracting party or a party to benefit thereunder.

Creditors

6. All rights of creditors of the Hospital are unimpaired and may be enforced against The Metropolitan General Hospital.

Charitable
Gifts

7.—(1) The Metropolitan General Hospital shall be entitled to all donations, endorsements, gifts, grants, devises and bequests of real or personal property made to the Hospital, or made in trust for the Hospital, whether *inter vivos* or testamentary, and whether made before or after this Act comes into force, to the same extent as if made to or for The Metropolitan General Hospital.

Substitution
of name

(2) The Metropolitan General Hospital shall be substituted for the Hospital where the Hospital is named or described in a will, deed, or other legal instrument made before or after this Act comes into force.

Employees of
Hospital
become
employees
of The
Metropolitan
General
Hospital

8. The employees of the Hospital shall become the employees of The Metropolitan General Hospital, and all the terms and conditions of employment respecting such employees and, without restricting the generality of the foregoing, including seniority, remuneration and other benefits in force, shall be assumed by The Metropolitan General Hospital.

9. The following are repealed: Repeals

- 1. Sections 9, 11, 12, 13, 16 and 17 of *The City of Windsor Act, 1946*, being chapter 145.
- 2. Section 1 of *The City of Windsor Act, 1955*, being chapter 119.
- 3. Section 1 of *The City of Windsor Act, 1961-62*, being chapter 174.
- 4. Section 2 of *The City of Windsor Act, 1968-69*, being chapter 172.
- 5. Section 5 of *The City of Windsor Act, 1972*, being chapter 204.

10. This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}

11. This Act may be cited as *The City of Windsor Act, 1973*. Short title

CHAPTER 215

An Act respecting the Borough of York

Assented to May 18th, 1973
Session Prorogued March 5th, 1974

WHEREAS The Corporation of the Borough of York, herein^{Preamble} called the Corporation, hereby represents that it is desirable to amend *The Township of York Act, 1962-63 (No. 2)*, being chapter 200, so as to provide for changing the class of persons to whom notice of the intention of council to pass a by-law permitting overnight parking shall be sent from municipal electors shown on the last revised assessment roll to owners and tenants of land shown on the last revised assessment roll; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Township of York Act, 1962-63*^{s. 3 (2), re-enacted} (No. 2), being chapter 200, as re-enacted by the Statutes of Ontario, 1967, chapter 137, section 1, is repealed and the following substituted therefor:

(2) Before passing a by-law under this section, notice of^{Notice} the intention of the Corporation to pass the same shall be sent by prepaid mail to all persons who are shown on the last revised assessment roll as being owners or tenants of land abutting on the highways or parts thereof to be designated as aforesaid, at the addresses respectively shown for such persons on the said assessment roll.

(2a) For the purposes of subsection 2, "tenants" means all^{Interpretation} persons shown on the last revised assessment roll as tenants of properties for which six or fewer tenants are shown on the said assessment roll.

2. This Act comes into force on the day it receives Royal Assent.^{Commence-ment}
3. This Act may be cited as *The Borough of York Act, 1973*.^{Short title}

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(See now **The Public Transportation and Highway Improvement Act**)
 (title of Act changed July 23rd, 1971, See S.O. 1971, c. 61, s. 1.)

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<i>amended</i>	179 /71	May 15 /71
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<i>amended</i>	256 /71	July 3 /71

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amended	329 /71	Aug. 14 /71	
amended	361 /71	Sept. 4 /71	
amended	510 /71	Dec. 25 /71	
amended	75 /72	Mar. 4 /72	
amended	132 /72	Apr. 1 /72	
amended	222 /72	May 27 /72	
amended	395 /72	Aug. 19 /72	
amended	472 /72	Sept. 30 /72	
amended	531 /72	Nov. 18 /72	
amended	56 /73	Feb. 24 /73	
amended	57 /73	Feb. 24 /73	
amended	225 /73	May 5 /73	
amended	276 /73	May 26 /73	
amended	277 /73	May 26 /73	
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amended	31 /72	Feb. 12 /72	
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amended	420 /72	Sept. 2 /72	
amended	509 /72	Nov. 4 /72	
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<i>amended</i>	307 /72	July 8 /72
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<i>amended</i>	305 /73	June 9 /73
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amended	542 /71	Jan. 8 /72	
amended	19 /72	Feb. 5 /72	
amended	55 /72	Feb. 26 /72	
amended	56 /72	Feb. 26 /72	
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<i>amended</i>	414 /73	July 21 /73	
<i>amended</i>	496 /73	Sept. 1 /73	
<i>amended</i>	585 /73	Sept. 29 /73	
<i>amended</i>	588 /73	Oct. 6 /73	
<i>amended</i>	594 /73	Oct. 6 /73	
<i>amended</i>	650 /73	Nov. 3 /73	
<i>amended</i>	656 /73	Nov. 10 /73	
<i>amended</i>	728 /73	Dec. 8 /73	
<i>amended</i>	767 /73	Dec. 22 /73	
<i>amended</i>	784 /73	Dec. 29 /73	
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<i>amended</i>	471 /73	Aug. 25 /73	
<i>amended</i>	589 /73	Oct. 6 /73	
<i>amended</i>	651 /73	Nov. 3 /73	
<i>amended</i>	678 /73	Nov. 17 /73	
<i>amended</i>	785 /73	Dec. 29 /73	
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<i>amended</i>	179 /72	May 6 /72	
<i>amended</i>	294 /72	July 1 /72	
<i>amended</i>	404 /72	Aug. 26 /72	
<i>amended</i>	488 /72	Oct. 21 /72	
<i>amended</i>	2 /73	Jan. 20 /73	
<i>amended</i>	49 /73	Feb. 24 /73	
<i>amended</i>	100 /73	Mar. 17 /73	
<i>amended</i>	711 /73	Dec. 1 /73	
<i>amended</i>	786 /73	Dec. 29 /73	
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<i>amended</i>	348 /72	July 29 /72	
<i>amended</i>	406 /72	Aug. 26 /72	
<i>amended</i>	492 /72	Oct. 21 /72	
<i>amended</i>	525 /72	Nov. 11 /72	
<i>amended</i>	99 /73	Mar. 17 /73	
<i>amended</i>	237 /73	May 5 /73	
<i>amended</i>	345 /73	June 23 /73	
<i>amended</i>	526 /73	Sept. 8 /73	
<i>amended</i>	652 /73	Nov. 3 /73	
<i>amended</i>	697 /73	Nov. 24 /73	
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<i>amended</i>	275 /72	June 17 /72	
<i>amended</i>	405 /72	Aug. 26 /72	
<i>amended</i>	489 /72	Oct. 21 /72	
<i>amended</i>	490 /72	Oct. 21 /72	
<i>amended</i>	236 /73	May 5 /73	
<i>amended</i>	607 /73	Oct. 20 /73	
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<i>amended</i>	55 /73	Feb. 24 /73	
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<i>amended</i>	200 /73	Apr. 21 /73	
<i>amended</i>	778 /73	Dec. 22 /73	

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<i>amended</i>	593 /73	Oct. 6 /73	
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<i>amended</i>	380 /71	Sept. 25 /71	
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<i>amended</i>	412 /73	July 21 /73	
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<i>amended</i>	355 /73	June 30 /73	
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<i>amended</i>	416 /73	July 21 /73	
<i>amended</i>	507 /73	Sept. 1 /73	
<i>amended</i>	581 /73	Sept. 29 /73	
<i>amended</i>	655 /73	Nov. 10 /73	
<i>amended</i>	709 /73	Dec. 1 /73	
<i>amended</i>	781 /73	Dec. 29 /73	
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<i>amended</i>	434 /73	Aug. 4 /73	
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<i>amended</i>	360 /72	Aug. 5 /72	
<i>amended</i>	491 /72	Oct. 21 /72	
<i>amended</i>	1 /73	Jan. 20 /73	
<i>amended</i>	98 /73	Mar. 17 /73	
<i>amended</i>	196 /73	Apr. 21 /73	
<i>amended</i>	306 /73	June 9 /73	
<i>amended</i>	344 /73	June 23 /73	
<i>amended</i>	696 /73	Nov. 24 /73	
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<i>amended</i>	403 /72	Aug. 26 /72	
<i>amended</i>	487 /72	Oct. 21 /72	
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<i>amended</i>	145 /71	Apr. 17 /71
<i>amended</i>	198 /71	May 29 /71
<i>amended</i>	199 /71	May 29 /71
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<i>amended</i>	162 /71	May 8 /71	
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<i>amended</i>	420 /71	Oct. 9 /71	
<i>amended</i>	421 /71	Oct. 9 /71	
<i>amended</i>	439 /71	Oct. 30 /71	
<i>amended</i>	504 /71	Dec. 18 /71	
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<i>amended</i>	123 /73	Mar. 24 /73	
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amended.....	...	238 /71	June 19 /71	
amended.....	...	275 /71	July 10 /71	
amended.....	...	406 /71	Oct. 2 /71	
amended.....	...	477 /71	Nov. 27 /71	
amended.....	...	46 /72	Feb. 19 /72	
amended.....	...	128 /72	Apr. 1 /72	
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<i>amended</i>	449 /72	Sept. 23 /72	
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<i>amended</i>	458 /72	Sept. 30 /72
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<i>amended</i>	658 /73	Nov. 10 /73
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<i>amended</i>	723 /73	Dec. 8 /73

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<i>amended</i>	354 /72		July 29 /72
<i>amended</i>	431 /72		Sept. 9 /72
<i>amended</i>	234 /73		May 5 /73
<i>amended</i>	250 /73		May 12 /73
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<i>amended</i>	168 /71		May 8 /71
<i>amended</i>	182 /71		May 22 /71
<i>amended</i>	296 /71		July 31 /72
<i>amended</i>	316 /71		Aug. 7 /71
<i>amended</i>	337 /71		Aug. 21 /71
<i>amended</i>	524 /71		Jan. 2 /72
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<i>amended</i>	491 /73		Aug. 25 /73
<i>amended</i>	541 /73		Sept. 15 /73
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<i>amended</i>	442 /72		Sept. 16 /72
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<i>amended</i>	17 /72		Feb. 5 /72
<i>amended</i>	432 /72		Sept. 9 /72
<i>amended</i>	452 /72		Sept. 23 /72
<i>amended</i>	233 /73		May 5 /73
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<i>amended</i>	67 /71		Feb. 20 /71
<i>amended</i>	287 /71		July 24 /71
<i>amended</i>	6 /72		Jan. 22 /72
<i>amended</i>	90 /72		Mar. 18 /72

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amended	...	41 /73	Feb. 17 /73	
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amended	...	333 /73	June 16 /73	
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<i>amended</i>	374 /71		Sept. 18 /71
<i>amended</i>	195 /72		May 13 /72
<i>amended</i>	474 /72		Sept. 30 /72
<i>amended</i>	529 /72		Nov. 18 /72
<i>amended</i>	522 /73		Sept. 8 /73
<i>amended</i>	545 /73		Sept. 15 /73

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General	811
<i>amended</i>	586 /72	Jan. 6 /73
<i>amended</i>	181 /73	Apr. 14 /73
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General	327 /71	Aug. 14 /71
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General	812
<i>amended</i>	212 /72	May 20 /72
<i>amended</i>	285 /72	June 24 /72
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General	390 /72	Aug. 19 /72
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<i>amended</i>	531 /73	Sept. 8 /73
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<i>amended</i>	123 /71	Apr. 10 /71
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General	815
<i>amended</i>	470 /71	Nov. 27 /71
<i>amended</i>	357 /72	Aug. 5 /72
<i>amended</i>	68 /73	Mar. 3 /73
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<i>amended</i>	520 /73	Sept. 8 /73
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(<i>title of Act changed Jan. 1st, 1972, See S.O. 1971, c. 21, s. 1.</i>)			
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<i>amended</i>	28 /73	Feb. 10 /73
<i>amended</i>	432 /73	Aug. 4 /73
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General.....		821
<i>amended</i>	255 /71	July 3 /71
<i>amended</i>	495 /71	Dec. 11 /71
<i>amended</i>	62 /72	Feb. 26 /72
<i>amended</i>	118 /72	Mar. 25 /72
<i>amended</i>	167 /72	Apr. 22 /72
<i>amended</i>	386 /72	Aug. 19 /72
<i>amended</i>	554 /72	Dec. 9 /72
<i>amended</i>	73 /73	Mar. 10 /73
<i>amended</i>	376 /73	July 7 /73
<i>amended</i>	800 /73	Dec. 29 /73
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<i>amended</i>	509 /71	Dec. 25 /71
<i>amended</i>	225 /72	May 27 /72
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<i>amended</i>	455 /71	Nov. 6 /71
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<i>amended</i>	5 /71	Jan. 16 /71
<i>amended</i>	186 /72	May 6 /72
<i>amended</i>	591 /72	Jan. 13 /73
<i>amended</i>	246 /73	May 12 /73
<i>amended</i>	814 /73	Jan. 12 /74
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<i>amended</i>	520 /72	Nov. 11 /72
<i>amended</i>	626 /73	Oct. 27 /73

PART II

Showing the Regulations contained in Revised Regulations of Ontario, 1970 and subsequent Regulations filed to the 31st day of December, 1973, that have been revoked, are revoking only or have expired.

R.R.O. 1970 Regulations	Disposition	R.R.O. 1970 Regulations	Disposition
3	Rev. 494 /73	282	Rev. 298 /72
4	Rev. 494 /73	299	Rev. 430 /71
10	Rev. 183 /72	315	Rev. 593 /72
27	Rev. 371 /71	316	Rev. 594 /72
28	Rev. 165 /72	347	Rev. 413 /73
38	Rev. 171 /73	350	Rev. 275 /73
40	Rev. 268 /71	361	Rev. 516 /73
42	Rev. 293 /72	374	Rev. 387 /72
47	Rev. 298 /73	376	Rev. 181 /71
48	Rev. 124 /73	381	Rev. 746 /73
52	Rev. 612 /73	388	Rev. 123 /72
58	Rev. 423 /72	417	Rev. 731 /73
59	Rev. 411 /72	428	Rev. 92 /73
60	Rev. 268 /71	443	Rev. 323 /72
61	Rev. 370 /72	444	Rev. 323 /72
67	Rev. 476 /72	446	Rev. 323 /72
91	Rev. 21 /71	447	Rev. 124 /72
99	Rev. 273 /72	448	Rev. 367 /71
101	Rev. 460 /72	451	Rev. 558 /72
106	Rev. 273 /72	452	Rev. 559 /72
116	Rev. 224 /71	453	Rev. 259 /72
117	Rev. 108 /71	454	Rev. 259 /72
120	Rev. 755 /73	482	Rev. 106 /71
122	Rev. 272 /72	519	Rev. 318 /71
124	Rev. 37 /71	540	Rev. 13 /72
125	Rev. 735 /73	542	Rev. 219 /71
127	Rev. 419 /73	543	Rev. 526 /71
131	Rev. 307 /73	561	Rev. 736 /73
132	Rev. 307 /73	565	Rev. 498 /71
145	Rev. 187 /72	581	Rev. 394 /72
146	Rev. 187 /72	603	Rev. 546 /71
147	Rev. 367 /73	606	Rev. 775 /73
149	Rev. 319 /72	610	Rev. 465 /71
157	Rev. 320 /72	613	Rev. 372 /73
164	Rev. 397 /71	615	Rev. 451 /71
192	Rev. 517 /71	622	Rev. 508 /72
195	Rev. 510 /72	633	Rev. 624 /73
196	Rev. 295 /73	653	Rev. 347 /73
197	Rev. 392 /71	655	Rev. 207 /72
203	Rev. 457 /71	664	Rev. 68 /71
206	Rev. 517 /71	665	Rev. 69 /71
209	Rev. 205 /71	676	Rev. 568 /72
212	Rev. 246 /72	683	Rev. 168 /73
214	Rev. 419 /73	684	Rev. 564 /73
216	Rev. 69 /73	707	Rev. 429 /72
219	Rev. 390 /72	708	Rev. 668 /73
220	Rev. 720 /73	716	Rev. 113 /71
221	Rev. 261 /73	730	Rev. 349 /71
222	Rev. 190 /71	731	Rev. 293 /71
237	Rev. 197 /71	736	Rev. 437 /71
252	Rev. 45 /72	747	Rev. 349 /71
253	Rev. 298 /72	748	Rev. 339 /72
258	Rev. 134 /72	750	Exp.

R.R.O. 1970 Regulations	Disposition	Ontario Regulations	Disposition
751	Exp.	158 /71	Rev. 463 /72
752	Exp.	165 /71	Rev. 128 /72
753	Exp.	173 /71	Exp.
754	Rev. 274 /71	183 /71	Rev. 187 /72
755	Exp.	184 /71	Rev. 116 /73
758	Exp.	185 /71	Rev. 367 /73
773	Rev. 368 /71	186 /71	Rev. 187 /72
776	Rev. 156 /72	190 /71	Rev. 316 /73
782	Rev. 86 /72	192 /71	Rev. 439 /72
783	Rev. 243 /71	193 /71	Rev. 438 /72
805	Rev. 376 /71	205 /71	Revkg.
813	Rev. 677 /73	209 /71	Rev. 69 /73
816	Rev. 419 /73	212 /71	Rev. 324 /71
818	Rev. 98 /71	213 /71	Revkg.
825	Rev. 195 /73	214 /71	Rev. 12 /72
833	Rev. 6 /71	219 /71	Revkg.
		220 /71	Revkg.
		222 /71	Rev. 388 /72
		223 /71	Rev. 768 /73
		226 /71	Rev. 612 /73
		235 /71	Rev. 123 /72
		240 /71	Rev. 453 /72
		241 /71	Rev. 323 /72
		242 /71	Exp.
		243 /71	Exp.
		245 /71	Rev. 250 /71
		247 /71	Rev. 338 /72
		250 /71	Revkg.
		251 /71	Rev. 219 /72
		253 /71	Rev. 73 /72
		261 /71	Exp.
		268 /71	Rev. 465 /71
		270 /71	Rev. 419 /73
		274 /71	Revkg.
		277 /71	Rev. 715 /73
		278 /71	Exp.
		279 /71	Exp.
		290 /71	Rev. 370 /72
		295 /71	Rev. 336 /72
		298 /71	Rev. 522 /73
		301 /71	Rev. 527 /71
		325 /71	Rev. 69 /73
		326 /71	Rev. 200 /72
		334 /71	Rev. 568 /72
		338 /71	Rev. 339 /72
		341 /71	Rev. 323 /72
		345 /71	Rev. 451 /71
		346 /71	Exp.
		347 /71	Exp.
		348 /71	Rev. 48 /73
		351 /71	Rev. 159 /72
		352 /71	Rev. 360 /71
		354 /71	Rev. 713 /73
		358 /71	Rev. 360 /71
		359 /71	Rev. 69 /73
		360 /71	Revkg.
		370 /71	Rev. 275 /73
		381 /71	Rev. 498 /71
		388 /71	Rev. 800 /73
		408 /71	Rev. 323 /72
		412 /71	Exp.
Ontario Regulations	Disposition		
4 /71	Rev. 37 /72		
7 /71	Rev. 168 /73		
8 /71	Revkg.		
13 /71	Rev. 158 /72		
14 /71	Rev. 598 /72		
26 /71	Rev. 347 /73		
31 /71	Exp.		
34 /71	Rev. 17 /72		
35 /71	Rev. 452 /72		
46 /71	Rev. 594 /72		
47 /71	Rev. 43 /73		
48 /71	Rev. 103 /71		
49 /71	Rev. 48 /73		
50 /71	Rev. 429 /71		
54 /71	Rev. 94 /72		
55 /71	Rev. 76 /72		
56 /71	Rev. 452 /72		
60 /71	Rev. 323 /72		
64 /71	Rev. 568 /72		
65 /71	Rev. 158 /72		
66 /71	Rev. 159 /72		
76 /71	Rev. 124 /73		
79 /71	Rev. 298 /73		
83 /71	Exp.		
84 /71	Rev. 211 /73		
85 /71	Exp.		
88 /71	Rev. 431 /72		
93 /71	Rev. 69 /73		
102 /71	Rev. 618 /73		
103 /71	Rev. 543 /71		
104 /71	Rev. 494 /73		
105 /71	Rev. 420 /71		
108 /71	Rev. 824 /73		
109 /71	Rev. 94 /72		
110 /71	Exp.		
112 /71	Rev. 494 /73		
130 /71	Rev. 494 /73		
132 /71	Rev. 94 /72		
147 /71	Exp.		
156 /71	Rev. 268 /72		

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414 /71	Exp.	89 /72	Rev. 289 /72
415 /71	Exp.	95 /72	Rev. 159 /72
416 /71	Exp.	96 /72	Rev. 158 /72
418 /71	Rev. 388 /72	97 /72	Exp.
425 /71	Exp.	111 /72	Rev. 173 /72
427 /71	Rev. 48 /73	116 /72	Rev. 568 /72
429 /71	Rev. 7 /73	123 /72	Revkg.
430 /71	Revkg.	124 /72	Rev. 323 /72
431 /71	Rev. 158 /72	130 /72	Rev. 272 /73
433 /71	Rev. 69 /73	134 /72	Revkg.
434 /71	Rev. 123 /72	141 /72	Exp.
435 /71	Rev. 800 /73	142 /72	Exp.
447 /71	Exp.	155 /72	Rev. 347 /73
448 /71	Exp.	157 /72	Rev. 323 /72
449 /71	Exp.	158 /72	Rev. 184 /73
450 /71	Exp.	159 /72	Rev. 183 /73
451 /71	Rev. 237 /72	162 /72	Exp.
452 /71	Rev. 323 /72	163 /72	Exp.
457 /71	Revkg.	181 /72	Rev. 713 /73
459 /71	Rev. 15 /72	184 /72	Rev. 594 /72
462 /71	Rev. 505 /71	190 /72	Exp.
463 /71	Rev. 506 /71	192 /72	Rev. 337 /72
464 /71	Exp.	203 /72	Exp.
465 /71	Rev. 562 /73	206 /72	Rev. 677 /73
468 /71	Rev. 267 /72	210 /72	Exp.
476 /71	Exp.	220 /72	Rev. 323 /72
481 /71	Rev. 464 /72	228 /72	Rev. 224 /73
488 /71	Rev. 48 /73	237 /72	Rev. 441 /73
498 /71	Rev. 568 /72	244 /72	Rev. 264 /72
500 /71	Exp.	246 /72	Revkg.
505 /71	Rev. 536 /71	249 /72	Rev. 264 /72
506 /71	Rev. 537 /71	250 /72	Rev. 264 /72
511 /71	Rev. 323 /72	251 /72	Rev. 264 /72
531 /71	Rev. 140 /73	252 /72	Rev. 264 /72
536 /71	Rev. 271 /72	253 /72	Rev. 264 /72
537 /71	Rev. 270 /72	254 /72	Rev. 264 /72
540 /71	Rev. S.O. 1972, c. 66, s. 18	261 /72	Rev. 454 /73
543 /71	Rev. 326 /72	264 /72	Revkg.
2 /72	Exp.	265 /72	Rev. 594 /72
5 /72	Rev. 121 /73	270 /72	Rev. 262 /73
7 /72	Rev. 31 /73	271 /72	Rev. 444 /72
11 /72	Rev. 713 /73	278 /72	Exp.
20 /72	Rev. 413 /73	279 /72	Exp.
25 /72	Rev. 187 /73	280 /72	Exp.
35 /72	Rev. 96 /72	281 /72	Rev. 407 /73
36 /72	Rev. 95 /72	284 /72	Rev. 746 /73
39 /72	Rev. 797 /73	286 /72	Exp.
50 /72	Rev. 87 /73	289 /72	Rev. 117 /73
54 /72	Rev. 494 /73	290 /72	Rev. 594 /72
58 /72	Rev. 375 /73	291 /72	Rev. 719 /73
59 /72	Rev. 715 /73	302 /72	Rev. 568 /72
61 /72	Rev. 268 /72	305 /72	Rev. 413 /72
65 /72	Rev. 799 /73	312 /72	Rev. 713 /73
66 /72	Rev. 378 /72	314 /72	Rev. 48 /73
67 /72	Rev. 797 /73	326 /72	Rev. 349 /73
68 /72	Rev. 473 /72	327 /72	Exp.
73 /72	Rev. 446 /72	329 /72	Rev. 178 /73
76 /72	Revkg.	332 /72	Rev. 184 /73
86 /72	Revkg.	333 /72	Rev. 183 /73
87 /72	Rev. 69 /73	336 /72	Rev. 336 /73
		337 /72	Rev. 69 /73

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343 /72	Rev. 464 /72	169 /73	Rev. 230 /73
344 /72	Exp.	183 /73	Rev. 461 /73
355 /72	Exp.	184 /73	Rev. 460 /73
359 /72	Exp.	185 /73	Rev. 713 /73
361 /72	Rev. 544 /72	188 /73	Rev. 240 /73
369 /72	Rev. 31 /73	227 /73	Rev. 429 /73
379 /72	Rev. 686 /73	235 /73	Rev. 407 /73
388 /72	Rev. 393 /73	240 /73	Rev. 812 /73
394 /72	Rev. 299 /73	262 /73	Rev. 554 /73
413 /72	Rev. 48 /73	263 /73	Rev. 553 /73
424 /72	Rev. 713 /73	264 /73	Rev. 791 /73
429 /72	Revkg.	268 /73	Rev. 423 /73
434 /72	Rev. 164 /73	331 /73	Rev. 703 /73
444 /72	Rev. 263 /73	334 /73	Rev. 405 /73
446 /72	Revkg.	335 /73	Rev. 404 /73
448 /72	Exp.	349 /73	Rev. 427 /73
456 /72	Rev. 713 /73	352 /73	Rev. 471 /73
461 /72	Rev. 48 /73	354 /73	Rev. 534 /73
476 /72	Revkg.	374 /73	Rev. 799 /73
481 /72	Rev. 174 /73	378 /73	Rev. 797 /73
482 /72	Rev. 173 /73	383 /73	Rev. 804 /73
484 /72	Exp.	404 /73	Rev. 458 /73
494 /72	Rev. 48 /73	405 /73	Rev. 457 /73
498 /72	Rev. 568 /72	427 /73	Rev. 572 /73
512 /72	Revkg.	457 /73	Rev. 603 /73
522 /72	Rev. 48 /73	458 /73	Rev. 675 /73
523 /72	Rev. 393 /73	505 /73	Rev. 707 /73
544 /72	Rev. 547 /73	506 /73	Rev. 708 /73
553 /72	Revkg.	534 /73	Rev. 756 /73
558 /72	Revkg.	553 /73	Rev. 707 /73
567 /72	Rev. 720 /73	554 /73	Rev. 708 /73
574 /72	Exp.	559 /73	Rev. 801 /73
579 /72	Rev. 752 /73	572 /73	Rev. 627 /73
583 /72	Rev. 713 /73	595 /73	Rev. 792 /73
588 /72	Rev. 331 /73	604 /73	Rev. 675 /73
596 /72	Rev. 372 /73	606 /73	Rev. 775 /73
598 /72	Rev. 174 /73	676 /73	Rev. 754 /73
		707 /73	Rev. 827 /73
69 /73	Rev. 804 /73	708 /73	Rev. 828 /73
101 /73	Rev. 235 /73	714 /73	Rev. 798 /73
133 /73	Rev. 444 /73	753 /73	Rev. 827 /73
148 /73	Rev. 492 /73	754 /73	Rev. 828 /73
156 /73	Rev. 347 /73		



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